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**The Dissertation (or Treatise) Committee for Matthew Davidson Wright Certifies  
that this is the approved version of the following dissertation (or treatise):**

**A Vindication of Politics: Political Association and Human Flourishing**

**Committee:**

---

J. Budziszewski, Supervisor

---

Thomas Pangle

---

Robert C. Koons

---

Gary J. Jacobsohn

---

Lorraine Pangle

---

Devin Stauffer

**A Vindication of Politics: Political Association and Human Flourishing**

**by**

**Matthew Davidson Wright, B.A.**

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# **A Vindication of Politics: Political Association and Human Flourishing**

Matthew Davidson Wright, Ph.D.

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Supervisor: J. Budziszewski

Precipitated by important work in recent natural law political theory, this research revisits the relationship between political association and human flourishing. Does the political community *itself* realize some aspect of human sociability intrinsic to our full flourishing or is it simply an instrumental good? The inquiry begins with a thorough examination of the merits of John Finnis's influential argument for an instrumental political common good, pointing to a significant lacuna in his inattention to the value of political activity, as opposed to the operation of government and law. In building an alternative positive account the argument relies upon both formal and substantive considerations, generally employing an Aristotelian methodology of understanding the whole via a consideration of its constitutive parts. First, drawing from Aquinas's Aristotelian commentaries to unpack the basic structure of part/whole relationships within the "body politic," I argue that political community is partially defined by the nature of its basic constitutive parts. The next chapter considers the substantive good of familial association, particularly in light of longstanding concerns with the family's particularity and inequality. I argue that the intrinsically liberal and educative character of parental love rightly orients children to virtuous activity and invests familial association with an intrinsic rationality. The final two chapters bring direct focus onto the political

common good: First, I argue that a normatively compelling account of the political common good must be both *inclusivist*, i.e., including within its purpose the irreducibly diverse goods of every individual and basic association within the community, and *distinctive*, i.e., including within the calculus of practical reason the good of the political association as such. Lastly, I argue that the political common good is intrinsically—though only partially—constitutive of the human social good. Aquinas makes a crucial shift away from Aristotle’s political primacy in his more pluralistic account of human sociability and emphasis on the *extensiveness* of the political good over the superiority of political activity per se. Nevertheless, there are essential human virtues—justice, love, generosity—that are uniquely, if not exclusively, fostered in political community and potentially realized in civic friendship.

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## Chapter I: Introduction

James Madison famously described a political faction as “a number of citizens...who are united and actuated by some common impulse of passion, or of interest, adverse to the rights of other citizens, or to the permanent and aggregate interests of the community.”<sup>1</sup> Since citizens could not be relied upon to “co-operate for their common good,”<sup>2</sup> he argued, the scope of passion and interest should be extended in order to diffuse factious majorities by bringing them into conflict with a wider array of competing interests. This raises the question, did Madison reject the notion of a common good altogether in favor of a public good defined by the fortuitous concurrence or practical compromise of aggregated individual interests? Or did he simply wish to change expectations concerning who could be relied upon to discern and promote a true common good? He does, after all, appeal to the wisdom of statesmen required to discern the “true interest of their country.”<sup>3</sup> But is this “true interest” best understood in light of a “common good” central to the classical republican tradition, or in terms of the aggregated, overlapping interests of individuals characteristic of modern thought? This is, of course, a deep dilemma of the American constitutional identity that lies at the core of any attempt to understand and articulate the constitutional aspirations of “We the People.”

This, in turn, draws attention to the fact that to large degree the common constitutional identity of the American people has been defined precisely by protecting individual freedoms—all those “implicit in the concept of ordered liberty,” as Justice

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<sup>1</sup> *The Federalist* (10<sup>th</sup>), eds. George W. Carey and James McClellan (Indianapolis: Liberty Fund, Inc., 2001), 43.

<sup>2</sup> *Ibid.*, 44.

<sup>3</sup> *Ibid.*, 46.

Benjamin Cardozo famously put it.<sup>4</sup> Still, defining and protecting such rights cannot entirely operate on the notion of simply extending and coordinating individual rights, and constitutional jurisprudence has endeavored to understand and articulate the state's interests vis-à-vis individual rights claims. This requires some notion of what the public good or public interest is.<sup>5</sup> The Court has tended to replace substantive analysis of such questions with juridical tests and levels of review that serve the repetitive applications of *stare decisis*. Notwithstanding, defining what a “compelling” state interest is seems to require some knowledge of what interests the state serves, or what the common interest is in relation to which individual rights claims may be considered. Do public health and safety exhaust the possibilities of a compelling public good? How might we conceive of a public or common interest relative to those of individuals? And to what degree does our concern with the public interest, if it is to be adequately descriptive and normatively compelling, have to give an account of truly common goods, i.e., purposes or aims held in common within a community and at least partially realized in the community itself?

Generally speaking, this concern with understanding the communal nature of human personality, meaning, and practice motivated communitarian criticisms of John Rawls's contemporary reworking of liberal political theory.<sup>6</sup> Moreover, the pathologies of contemporary liberalism brought to light in this debate have precipitated a diverse exploration of the concept and substance of citizenship (e.g., civic republicanism, civil

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<sup>4</sup> *Palko v. Connecticut*, 302 U.S. 319 (1937), 325.

<sup>5</sup> For a helpful analysis of the different meanings of these terms in political theory, see, Bruce Douglass, “The Common Good and the Public Interest,” *Political Theory*, vol. 8, no. 1, (Feb., 1980), 103-117.

<sup>6</sup> See for example, Michael J. Sandel, *Liberalism and the Limits of Justice*, 2nd ed. (Cambridge: Cambridge University Press, 1998); Alasdair C MacIntyre, *After Virtue: A Study in Moral Theory*, 3rd ed. (Notre Dame, Ind: University of Notre Dame Press, 2007); Mary Ann Glendon, *Rights Talk: The Impoverishment of Political Discourse* (Free Press, 1993) esp. 109-170; John Rawls, *A Theory of Justice* (Cambridge, Mass: Belknap Press of Harvard University Press, 1971); John Rawls, *Political Liberalism*, John Dewey essays in philosophy no. 4 (New York: Columbia University Press, 1993).

society theory, liberal virtue theory).<sup>7</sup> A theme of these efforts, seemingly in reaction to liberalism's substantial instrumentalization of political community to an autonomous individual, has been a marked (sometimes aggressive) subordination of the institutions of civil society to the state's interest in promoting democratic virtues and institutions.<sup>8</sup> Yet even while advancing the primacy of state interests these efforts are informed by a pluralistic understanding of basic social institutions. Institutions like the family have an important, if ambiguous, role to play.<sup>9</sup> Thus the current need, as liberal theorists such as William Galston have argued, is for an articulation of the unique goods intrinsic to those associations which engender conflicts of allegiance in the course of political debate.<sup>10</sup> Only when this kind of investigation is undertaken can we have the resources to assess, relate, and order the variegated goods that come within the purview of political authority.<sup>11</sup>

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<sup>7</sup> For a helpful discussion of this trend in contemporary theory see Will Kymlicka and Wayne Norman, "Return of the Citizen: A Survey of Recent Work on Citizenship Theory," *Ethics*, vol. 104, no. 2 (Jan., 1994), 352-381.

<sup>8</sup> See, for example, Amy Gutmann, *Democratic Education*, (Princeton, NJ: Princeton University Press, 1987), 19-47, and Stephen Macedo, "Liberal Civic Education and Religious Fundamentalism: The Case of God v. John Rawls?", *Ethics*, vol. 105, no. 3 (Apr., 1995), 468-496. These theorists are best described as liberal virtue theorists. Russell Hittinger provides a helpful discussion of this general tendency among civil society theorists, including Alexis De Tocqueville, in *The First Grace: Rediscovering the Natural Law in a Post-Christian World*, (Wilmington, DE: ISI Books, 2003), 265-283.

<sup>9</sup> Gutmann, for example, is insistent that her view of the political association eschews a "family state" model that subsumes the institutions of civil society under the state. However, her only model of such a monolithic regime is Socratic communism in Plato's *Republic*, so her rejection of such an extreme view is cold comfort to one concerned that her repudiation of the more pluralistic "state of families" model risks overwhelming distinct subpolitical goods in favor alleged public interests (*Democratic Education*, 19-47). I will take up these issues further in Chapter IV.

<sup>10</sup> See, for example, William Galston, "Defending Liberty: Liberal Democracy and the Limits of Public Power," in *America at Risk: Threats to Liberal Self-Government in an Age of Uncertainty*, eds. Robert Faulkner and Susan Shell, (Ann Arbor: University of Michigan Press, 2009), 57-74.

<sup>11</sup> Moreover, as recent commentators on Catholic social thought have observed, the task of relating and prioritizing goods within the political community is also still a largely unfinished work of subsidiarity theory. Kenneth Grasso makes such an argument in "The Subsidiary State: Society, the State and the Principle of Subsidiarity in Catholic Social Thought" in *Christianity and Civil Society: Catholic and Neo-Calvinist Perspectives*, ed. Jeanne Heffernan Schindler, (Lanham, MD: Lexington Books, 2008), 31-65.

It is with a view to furthering this general task in contemporary political theory that this work has been undertaken. Indeed, the Thomistic-Aristotelian or natural law tradition which generally informs my thinking has always been much concerned to adequately account for the plural nature of basic human associations.<sup>12</sup> Without cultivating an understanding of the human good and those basic associations which humans naturally form, we cannot hope to have a real grasp of the inherent purposes of political society or the just authority and limitations of government. My overarching argument in this project is aimed at addressing recent revisionist accounts within natural law theory concerning the character of the political common good. However, I seek to construct a compelling account of the content, value, and uniqueness of the political good by building from the ground up, as it were, giving extended consideration to pre-political social goods and to the formal relationships existing between these parts and their political whole. Let me begin by establishing my basic question and limning its theoretical contours. Then I will give further explanation why, within the context of contemporary natural law theory, this is a timely and important question. Finally, I will give a brief explanation of how I go about answering it.

#### **ESTABLISHING THE BASIC QUESTION**

The constellation of questions and difficulties this dissertation will seek to address is dictated by one basic concern that may be stated as follows: Is a society's political common good a constituent of full human flourishing—not merely a means to this end? It

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<sup>12</sup> See especially Michael Pakaluk, "Natural Law and Civil Society," in *Alternative Conceptions of Civil Society*, eds. S. Chambers and W. Kymlicka (Princeton: Princeton University Press, 2002), 131-148. For a very helpful explication of Thomas Aquinas's views on the basically plural structure of society, both subpolitically and politically, see Nicholas Aroney, "Subsidiarity, Federalism and the Best Constitution: Thomas Aquinas on City, Province and Empire," *Law and Philosophy* (2007) 26: 161-228, esp. 173-184. See also the respective contributions of Jeanne Heffernan Schindler and Russell Hittinger in Schindler, *Christianity and Civil Society*.

will be helpful to give at least a brief explanation of what is meant by the question's several terms.

First, then, “full human flourishing” refers to that notion of “happiness” that is the first principle and justifying end of Aristotelian, and subsequently Thomistic, ethics. In this tradition, *eudemonia* (or *beatitudo* for Aquinas) is realized through the virtuous, or excellent, exercise of human capacities, directing them toward those goods to which they are inherently (i.e., naturally) inclined. In addition, the notion of *full* human flourishing indicates recognition of several things. In the first place, human flourishing should primarily be conceived of in terms of those virtues which perfect what is highest or best in human nature.<sup>13</sup> On the other hand, “full” flourishing also denotes the existence of many human capacities, rational, appetitive, and otherwise. Happiness, therefore, cannot be conceived of as the perfection of a single faculty—even the highest—to the neglect of all the others. Rather, flourishing is realized in the balanced pursuit of a range of human goods, rationally ordering and prioritizing according to those goods that most fully instantiate what is best in human nature. Finally, the idea of “full” flourishing necessitates a caveat. For both Aristotle and Aquinas, the human flourishing to which political life may perhaps essentially relate can only be full or complete in a relative sense. For Aristotle, the significance of political life must always be qualified by the possibility of a fully philosophical life. Political interaction may well constitute the highest end of the active life, but the contemplative life by comparison presents itself as the most “divine” of human pursuits.<sup>14</sup> The philosopher participates in what is truly best and highest in human existence, and the single-minded devotion necessary to such pursuits precludes political involvement. Likewise, for Aquinas, political life necessarily

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<sup>13</sup> Aristotle, *Nicomachean Ethics* (hereinafter NE), trans. Martin Ostwald, (Upper Saddle River, NJ : Prentice Hall, 1999), 1098a16.

<sup>14</sup> Ibid., 1177b30.

diminishes in significance when viewed in relation to the spiritual life, most fully realized in the vision of God. The “full human flourishing” achieved in virtuous action at best provides man a “*beatitudo imperfecta*”—an imperfect happiness that will only be fulfilled in the perfection of heaven.<sup>15</sup> This is not to derogate the importance of practicing excellence in moral and political virtue for either theorist, but rather to keep in mind that these pursuits are not the highest human perfections. The central question, then, is whether a society’s political common good is a constituent part of the cluster of goods and virtues the possession of which constitutes true human happiness.

Secondly, what is meant by asking whether the political common good is a *constituent* of human flourishing and not merely a means to this end? I mean this. I want to know whether the political common good in part defines the essence of what it means to be fully human. This goes beyond asking whether the political common good is *necessary* to human goodness, for something can be conditionally necessary to the possession of a good without being part of the essence of what is sought. One thinks, for example, of the way that oxygen sustains human life. Respiration is a function necessary to life, but it is simply a means to being alive. We do not inhale and exhale for the sake of breathing; this process does not serve as its own end. It tells us nothing about what is fundamentally good about human existence or what further aims in human action invest life with the greatest significance. “Breathing” does not show up on anyone’s list of those activities that comprise a well-lived life. Similarly, Aristotle points to those external goods that serve as conditional means to happiness, such as friendships of utility, wealth, political power, etc., but are not themselves the ultimate goods we seek. Rather, these things are sought for their usefulness. Whereas without them one is unable to attain

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<sup>15</sup> Thomas Aquinas, *The Summa Theologica of St. Thomas Aquinas*, trans. Fathers of the English Dominican Province, Christian Classics (Notre Dame, IN: Ave Maria Press, Inc., 1981), I–II, q. 3, a. 2 ad 4. (Hereinafter ST)

supreme happiness, one is not yet happy merely by possessing them.<sup>16</sup> So, the question is not whether the political common good is conditionally requisite to a well-lived life, but whether it actually partially comprises what it means for humans to live well. That is, is it—at least in part—the end that humans seek when they seek to live well? And is it sought for its own sake, not solely as a means of getting at something else which is more desirable? In order to get at what this might mean, a further complication must be introduced.

The contemplative life has already been indicated in which conceiving of the political common good as constitutive of human flourishing must be qualified. There is another way in which any human association that we might deem essential to our understanding of what it means to be human must be classified as an, in a sense, intermediate end—not rightly the final goal of human activity. For both Aristotle and Aquinas, any relationship or association counted as an essential component of human flourishing must ultimately refer to the good of individual humans, for human goodness is precisely that—human—and as such it fundamentally obtains at the level of the human soul, i.e. the individual level. Any personification of partnership, corporation, or state is necessarily analogous to the real human person, and to the degree that the welfare of such entities is developed apart from the wellbeing of the human individuals that comprise them, the bedrock of Thomistic-Aristotelian ethics has been abandoned. Therefore, the possibility that the political common good exists as a constituent part of human flourishing does not leave open the possibility that the family, the state, or any other human organization exists as its own self-referential final end. The existence, maintenance, and perpetuation of the state, for example, is never justified without

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<sup>16</sup> NE, 1099b.



reference to the ultimate welfare of human persons who comprise it.<sup>17</sup> Notwithstanding their own importance as ordered wholes of which the individual functions in crucial ways as a part, associational entities never attain this status of *human* wholeness.

This qualification, however, must be clarified further. I specified earlier that to say that an associational good such as the political common good is partly constitutive of human flourishing means that it *defines*, in part, what it is that we mean by this ideal. So even as the good of any human association cannot be justly abstracted from the good of its individual members, the individual human goodness which an association ultimately serves is itself informed, enhanced, and at times limited by the unique requirements and ends of the association qua association. Consider, for example, the case of family life, assuming *arguendo* that the family is a constituent element of human flourishing. The basic point being made here about human good entails that a family could never rightly operate as a self-referential, independently justifying entity, “the family,” to which the goods of its individual members are instrumentalized, i.e. treated merely as a means to the end of the family’s prosperous existence. (This is certainly a fundamental commitment of all contemporary western ethics and political theory, but it follows necessarily, if at times more obscurely, from classical and medieval theory. Quoting Aquinas again, “The person is that which is most perfect in all of nature.”<sup>18</sup>) The further point being made, however, is that if the good of the family is really of essence to the human good, *its* existence and success is itself partly what we must mean by an appeal to

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<sup>17</sup> Thomas Aquinas’s position on this is unambiguous. See, for example, Thomas Aquinas, *Commentary on Aristotle’s Nicomachean Ethics [Aristotelian Commentary Series]*, trans. C. I. Litzinger (Notre Dame, IN: Dumb Ox Books, 1993), I, Lec. 1, n. 5. (Hereinafter CNE) While I think Aristotle’s fundamental grounding of moral and political goodness is likewise the human person, his views are more obscure than are Aquinas’s. Some scholars take his presentation of the natural genesis of the city in the first chapters of his *Politics* to indicate an associational organicity that subsumes the individual as well as subpolitical associations. I think such an interpretation of Aristotle is mistaken, however, and I will take the issue up in Chapter III.

<sup>18</sup> ST, I, q. 29, a. 3

“human flourishing.” Therefore, the individual family member’s complete good depends upon the individual welfare of its other members *and* upon the complex of relationships, mutually deferential interactions, spiritual and material conditions, etc. that comprise healthy family life.

Another way to say this is that the *subject* of human good is always the individual. Therefore, goods instantiated in whatever context must always ultimately inure to the benefit of individual persons. On the other hand, human goods are very frequently realized in *objects* beyond the individual and pursuit of these goods necessarily involves an understanding of the context in which the individual interacts, and which informs the makeup of the very good the individual seeks. Further specifying what the relationship is between the individual as subject and basic human associations as constitutively informative of human person’s good is a theme that runs throughout this work (particularly in Chapters III and V).

Finally, we turn to what is meant by a society’s political common good. The idea of the common good is a notoriously ambiguous one. One may, for example, differentiate goods that are shared in common from goods that are distributed commonly from goods that may be commonly predicated. These various ways of speaking of commonness will be explored in greater detail in Chapter V. Here it should be noted that the primary intent (and challenge) in specifying the *political* common good is to distinguish goods pursued and realized via political activities, processes, and institutions from those goods characteristic of other forms of human sociability. Friends, families, and civic groups all enjoy common goods, i.e. the desired results of their shared activity, but whereas it is relatively easy to make differentiations among common goods based upon the kinds of groups that pursue them, it is not always clear that the common goods actually instantiated differ substantially from one another, particularly with respect to the human

capacities they develop. For instance, it is possible that civic friendship is little more than the dilution and attenuation of a good more meaningfully pursued between individual friends. Aquinas argued that a king should promote a kind of civic friendship (understanding political “peace” in the fullest sense) in which the life of virtue is shared among the multitude.<sup>19</sup> But as Aristotle argued (and Aquinas would not object to), the highest form of friendship, a shared pursuit of the virtuous life, is possible to enjoy with only a few people throughout one’s lifetime.<sup>20</sup> Wouldn’t it necessarily be the case, then, that civic friendship is not an expansion or enrichment of the central case, but an ersatz expedient, a weak “friendship” several times removed from the real thing? Or again, it might be argued that the kind of concerted redress of common crises or ongoing social problems that governments often attempt to organize is often (and frequently with greater effect) addressed by private groups, independently and voluntarily organized to achieve the same ends by non-political means. Moreover, in cases where political, governmental means are clearly more effective in addressing particular community needs, such as national defense or disaster relief, isn’t it equally clear that the good sought is purely instrumental, remedial, and not anything that would be considered of essence to human sociability?

These two examples illustrate a critical dilemma encountered in exploring the relationship of the political to human flourishing. Might it not be the case that man is more aptly described as a *social* animal than a *political* animal? As the case of friendship indicates, to the degree that the political common good is characterized by civic friendship or a partnership in some form of the virtuous life among citizens, is not

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<sup>19</sup> See Thomas Aquinas, *De Regno*, 115-118. Citation to paragraphs as marked in St. Thomas Aquinas, *On Kingship, to the King of Cyprus*, trans. G.B. Phelan (Toronto: Pontifical Institute for Medieval Studies, 1982). The editor of this volume, I. Eschmann, introduced the paragraphs.

<sup>20</sup> NE, VIII.3, 1156b25.

political life, then, weakly derivative of man's social nature? This raises the possibility that political life itself realizes nothing unique or perfective in human nature, but simply provides the conditional means whereby human goods—both individual and social—are pursued. The operation of civil society, moreover, extends the goods of human sociability to great numbers of people, seemingly apart from political or governmental processes. This raises further suspicions that, whereas government might be necessary to handle a few (albeit vital) organizational and security matters, political life simply enables the real business of human social flourishing that *already* takes place in the private sector.

Of course, it is not at all clear that at the level of civil society just described a helpful differentiation can be made between the “social” and the “political.” Such an isolation of the social life seems to assume that it is not integrally related to a wider system of customs, laws, political habits, and orientation to the good of the whole community that is most aptly described as political. If this is the case, the appropriate distinction would not seem to be between civil society and political society, but between political society and the state. On the other hand, when the whole spectrum of human sociability is considered, it seems clear that a helpful distinction can be drawn between the social and political. Although Aristotle describes man simply as a “political animal” (*zoon politikon*), the *polis* arises as a qualitatively distinct kind of association from other social forms.<sup>21</sup> Aquinas appears consciously to emphasize this distinction, making use of distinctions between the social and political in Latin vocabulary and thereby (arguably) assigning greater primacy to the family vis-à-vis the political community.<sup>22</sup> So notwithstanding the substantial difficulties attending an effort to fully disentangle the

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<sup>21</sup> *Politics*, I, 2.

<sup>22</sup> See helpful discussions in John Finnis, *Aquinas: Moral, Political, and Legal Theory*, (Oxford: Oxford Univ. Press, 1998), 242-245, and Mary M. Keys, *Aquinas, Aristotle, and the Promise of the Common Good*, (Cambridge: Cambridge Univ. Press, 2006), 79-81. My argument in Chapter III contributes to this general understanding of Aquinas.

social from the political, it seems to be a necessary endeavor if the value of political society relative to other human goods and associations is to be accessed and assessed.

So to recapitulate, “human flourishing” draws on the Aristotelian-Thomistic ethical tradition which emphasizes the rational cultivation of human capacities in an effort to fully enjoy the goods to which they are naturally inclined. “Constituent” denotes being part of the essence of something; a constituent part of the good life partially *defines* what is meant by living well. And finally the political common good contemplates the full range of benefits, activities, customs, processes and institutions that make up the sum total of political life—as distinguished from other forms of non-political association.

#### **WHY ANSWER THIS QUESTION?**

To a large degree, the need to address the intrinsic goodness of political association within the context of Thomistic-Aristotelian political theory is at best counter-intuitive. Notwithstanding the observation above that the paradigm of “human flourishing” necessarily gives fundamental primacy to the individual, it is in many respects very difficult to harmonize this qualification with arguments from both Aristotle and Aquinas that strongly privilege the political community. Indeed, if constitutive goods define what we mean by that which they constitute, it often seems that for both Aristotle and Aquinas the political community dominates human existence. The flourishing of the individual, while important, seems to find its content and meaning within the context of the greater political whole. Aristotle, for example, argues that “the city is prior in the order of nature to the family and the individual” as the whole is necessarily prior to the part. In an analogy that calls Aquinas’s gloss mentioned above into question, Aristotle likens the part-whole relationship he has in mind to that of body and limb. A man cut off

from the city is like a hand severed from the body.<sup>23</sup> Interestingly enough, Aquinas does not demur from this analogy in his commentary; on the contrary, he says that by this Aristotle *proves* the priority of a whole, since the form of parts does not remain the same when the matter of the whole has been destroyed.<sup>24</sup> The force of this analogy for Aquinas, too, seems to indicate that a man cut off from the city ceases to retain part of what is essential to the human form. As Aristotle says, such a man is not human at all, but must be either a beast or a god.<sup>25</sup> Moreover, Aquinas retains this part-whole language throughout the *Summa Theologica*. In arguing that all law must of its very nature be directed toward the common good, Aquinas reasons thusly, “[S]ince every part is ordained to the whole, as imperfect to perfect; and since one man is part of the perfect community, the law must needs regard properly the relationship to universal happiness.” He goes on in the body of this article to cite Aristotle’s identification of the state as a “perfect community.”<sup>26</sup> At other times, Aquinas speaks of the individual as *belonging* to the political community.<sup>27</sup>

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<sup>23</sup> Aristotle, *Politics*, trans. Ernest Barker and R.F. Stalley (Oxford University Press, USA, 1998), I.2, 1253a18ff.

<sup>24</sup> Thomas Aquinas, *Commentary on Aristotle’s Politics*, trans. Richard J. Reagan (Hackett Pub Co Inc, 2007), I, 1, n. 22.

<sup>25</sup> *Politics*, I, 2, 1253a25.

<sup>26</sup> *ST*, I-II, q. 90, a. 2. What exactly “perfect community” means is the subject of some ambiguity and disagreement. In a formal sense, it denotes the ways in which the polis comprises a whole of which individuals, families, clans, and villages are parts. Substantively, Aristotle first arrives at the idea of a perfect or complete community by attending to the material deficiencies of other human associations (*Politics* I.1-2). The political community is perfect because it attains self-sufficiency in meeting human needs. But at precisely this point, Aristotle makes a crucial transition from speaking of “mere life” to the city’s existence for the sake of the good life (1252b27-29). Thus, a fulfillment of the good life has to be understood as the fullest meaning of “perfect community.” Yet there is still a tremendous amount of content to be supplied in light of the fact that political society is a *composite whole*, comprised of parts that possess their own proper functions. What must be answered, therefore, is in what particular ways political society serves as a whole by fulfilling, completing, and perfecting human experience of the good life.

<sup>27</sup> *ST*, I-II, q. 96, a. 4; II-II, q. 65, a. 1. The context of both of these passages indicates a *material* belonging to the community. In the first passage, Aquinas refers to the responsibility of individuals to share in bearing the burdens of the community. In the latter passage, Aquinas argues that to maim an individual is to harm the community, “to whom the man and all his parts belong.”

The political community and its common good for both theorists, then, follows very naturally as a controlling or more “divine” end, and politics is the controlling science. Aristotle opens both his *Nicomachean Ethics* and *Politics* with strong affirmations of the primacy of political life. The highest good belongs “to the most sovereign and most comprehensive master science, and politics clearly fits this description.”<sup>28</sup> This same kind of encomium is repeated in his striking introduction to the *Politics*; the city’s good is “most sovereign” and all-inclusive.<sup>29</sup> Here again, Aquinas gives repeated indications that he follows Aristotle on this point. His commentaries give evidence that he is persuaded by Aristotle’s logic on this point, and this is further confirmed by his affirmation in his own short treatise on government, *De Regno*, that “the good of the multitude is greater and more divine than the good of one man.”<sup>30</sup> Moreover, his classic definition of law—an “ordinance of reason for the common good, made by him who has care for the community, and promulgated”—establishes an essential link between legal and political authority and the common good.<sup>31</sup> Thus, a good deal of evidence seems indicate that for Aquinas as well as Aristotle, the political common good exists as a comprehensive human end which, well beyond being simply a component of human flourishing, includes, orients, and most fully realizes all other modes of human goodness.

Of course, enough has already been said to indicate that this is far from an uncomplicated picture for either theorist. Although it is clear that in important ways the

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<sup>28</sup> *NE*, I.2, 1094a27.

<sup>29</sup> *Politics*, I.1, 1252a5. Although it is not at all clear that Aristotle intends this to be his final word on the subject, it is not far removed from the position affirmed much later in the work at III.9, 1280b29ff. Here Aristotle seems to argue that the various institutions of social life, including marriage, extended family groups, religious gatherings and communal pastimes, are *means* to a good life primarily instantiated in the city.

<sup>30</sup> *Commentary on Aristotle’s Politics*, I, 1, n. 2; *De Regno*, 70.

<sup>31</sup> *ST*, I-II, q. 94, a. 4.

individual exists as a part of the political whole, “man is not ordained to the body politic, according to all that he is and has.”<sup>32</sup> Indeed (to leap ahead to the 20<sup>th</sup> century), some of the most important developments of contemporary neo-Thomism have centered around a reevaluation of what has been taken to be the primacy of the common good in Thomistic political theory. Largely provoked by the “personalism” of Jacques Maritain, a sharp dispute arose in the 1940s between two prominent Thomists, Charles De Koninck and I. Th. Eschmann, concerning the Thomistic pedigree of emphasis on personal goods vis-à-vis the common good in the new personalism.<sup>33</sup> Maritain’s subsequent contribution to this debate, *The Person and the Common Good*, apparently intended to clarify his position, is often broadly suggestive, while still lacking clarity in specifics.<sup>34</sup> For the purposes of this project, however, Maritain does indicate clearly enough his view on the instrumentality of political life. The key distinction for Maritain is that between political society and the state. The good of political society, he argues, while not absolute, is an “honest good,” i.e. a good sought for its own sake. As such, it is an “infravalent end,” characterized by “reciprocal subordination” with the goods of the person.<sup>35</sup> While the

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<sup>32</sup> Ibid., q. 21, a. 4, ad 3. For a helpful juxtaposition of texts in the Thomistic corpus indicating both the primacy of the human person and the primacy of the political community, see Jacques Maritain, *Man and the State*, (Chicago: Univ. of Chicago Press, 1951), 70-71.

<sup>33</sup> For a helpful discussion and evaluation of this debate, see Mary M. Keys, “Personal Dignity and the Common Good: A Twentieth-Century Thomistic Dialogue,” in *Catholicism, Liberalism, and Communitarianism*, ed. Kenneth L. Grasso, et al., (Lanham, MD: Rowan & Littlefield, 1995), 173-195. Although the instrumentality of political community is implicated to some degree in this debate, it has not been useful for my purposes here inasmuch as the dispute concerns the primacy of the person or the community in the transcendent final end, *beatitudo perfecta*. As my concern is with the relative significance of political community, directed (at best) to the temporal end of human flourishing, its status is fundamentally different than that of the heavenly community. So even if we were to conclude that for Aquinas the eschatological vision of God is fundamentally communal, it is hard to see how that would dispose of the question of the temporal political community’s status. The two communities are fundamentally different.

<sup>34</sup> Jacques Maritain, *The Person and the Common Good*, (Notre Dame, IN: Univ. of Notre Dame Press, 1947).

<sup>35</sup> Ibid., 62-65. Maritain does not make the precise meanings of these terms altogether clear. They turn on the distinction he draws between man as a person and as an individual. Individuality describes the material, dependent aspects of man (34-38). As to his individuality, man is subject to the political community. Personhood, on the other hand, refers to the spiritual, deepest essence, of man (38-42). In this respect,



state is the “topmost authority” of political society, its function is organizational and essentially instrumental. “The human person as an individual is for the body politic and the body politic is for the human person as person. But man is by no means for the State. The State is for man.”<sup>36</sup>

One of the most prominent commentators on Aquinas of the last thirty years, John Finnis, has argued forcefully for what is, in effect, an extension of Maritain’s instrumentalization of the state to include *the whole of the political common good*, and he has advanced this as the authentic position of Aquinas. Finnis argues that “the political community—properly understood as one of the forms of collaboration needed for the sake of goods identified in the first principles of natural law—is a community co-operating in the service of a common good which is instrumental, not itself basic.”<sup>37</sup> I will call this his “instrumentality thesis.” In consequence, the political common good, for Finnis, is primarily *conditional*: “A set of conditions which enables the members of a community to attain for themselves reasonable objectives, or to realize reasonably for themselves the value(s), for the sake of which they have reason to collaborate with each other...in a community.”<sup>38</sup> Very significantly, Finnis has redrawn the demarcation

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society is directed to, and subordinate in some sense, to the good of the person. I am in agreement with Ralph McInerny that whereas Maritain’s individual person distinction is broadly suggestive, it simply cannot do the work of explaining the priority relationships between the human person and the community that Maritain intends. The distinction ultimately seems to pit an isolated spirituality against a communal materiality. “The Primacy of the Common Good” in Ralph McInerny, *Art and Prudence: Studies in the Thought of Jacques Maritain* (Notre Dame, IN: University of Notre Dame Press, 1988), 77-91. I would add that Maritain’s distinction fails to account for the ways in which our *personal dimensions* are social and, moreover, are tied in important ways to our materiality.

<sup>36</sup> Maritain, *Man and the State*, 13.

<sup>37</sup> “Is Natural Law Theory Compatible with Limited Government?,” in Robert P. George, ed., *Natural Law, Liberalism, and Morality: Contemporary Essays*, (Oxford: Clarendon Press, 1996), 5.

<sup>38</sup> John Finnis, *Natural Law and Natural Rights*, (Oxford: Oxford Univ. Press, 1980), 155. It is important to note that Finnis’s view differs substantially from all forms of social contractarian “public interest” characteristic of liberalism. Although the political common good is conditional for Finnis, the conditions of society are very important to the ability of its members to make reasonable moral choices. Thus, the public sphere is not a “neutral” territory, for Finnis, but one that should conduce to human goodness. See Finnis, *Aquinas*, 232-234.

between instrumentality and essential human goodness put forward by Maritain. For Finnis, it is the whole of political community, not simply the state, that serves an instrumental function to more fundamental (or “basic,” in the argot of the “new natural law”<sup>39</sup>) forms of human goodness. It is important to recognize, however, that Finnis is not relegating human sociability as such to an instrumental status.<sup>40</sup> Rather, the *political* common good is simply one of several, e.g., the common good that exists in virtuous friendship and the common good of families. Thus, Finnis argues that for Aquinas man is clearly a *social* animal, meaning that his flourishing is inextricably intertwined with the goods of certain basic human associations, but he is not essentially a *political* animal. Although we necessarily rely on the broader political community in order to secure and facilitate individual and social goods, it does not itself realize any further human good not already experienced in smaller human communities.<sup>41</sup> Here Finnis relies on a distinction between two senses of “natural” indicated at the outset of this paper: 1) organically or conditionally *necessary* to the sustenance of life, and 2) intrinsically constitutive of full human flourishing operating according to a rational principle.<sup>42</sup>

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<sup>39</sup> Because of what traditional Thomists argue are thoroughgoing divergences from the positions of Thomas Aquinas, the brand of Thomism pioneered by Germain Grisez, John Finnis, and Joseph Boyle has been labeled the “new natural law.” In addition to the works of Finnis cited here, see Germain Grisez, Joseph Boyle, and John Finnis, “Practical Principles, Moral Truth, and Ultimate Ends,” *American Journal of Jurisprudence* 32 (1987): 99-151; Germain G Grisez, “The First Principle of Practical Reason: A Commentary on the Summa Theologiae, 1-2, Question 94, Article 2,” *Natural Law Forum* 10 (1965): 168-201.

<sup>40</sup> Some discussions of Finnis’s position make this mistake, such as Mary M. Keys, “Personal Dignity and the Common Good,” 194.

<sup>41</sup> Finnis, *Aquinas*, 246.

<sup>42</sup> *Ibid.*, 246. This is my paraphrase of Finnis’s distinction at this point. I have put it in terms of “human flourishing” in order to maintain terminological consistency throughout this project. Finnis, of course, speaks in the “basic goods” language of the new natural law. There are, of course, substantive differences denoted by the two different terminologies, but for the present no harm is done in eliding them.

This dual way of speaking about what is “natural” is evident also in Aristotle’s transition from speaking of the city as an organic entity to a rationally directed instantiation of the good life (*Politics* 1252b27ff).

Finnis has staked out a new position in Thomistic political theory. Paul Sigmund has called Finnis' magnum opus on Aquinas, *Aquinas: Moral, Political, and Legal Theory*, the most comprehensive and significant explication in print of Aquinas' work in these areas.<sup>43</sup> Since the publication of his seminal book *Natural Law and Natural Rights*,<sup>44</sup> Finnis' work has provoked copious and fruitful comment, particularly with respect to his rearticulation and defense of the "basic human goods" foundation of Thomistic natural law.<sup>45</sup> Surprisingly, however, Finnis's instrumentality thesis—one of his most provocative given that he takes it to describe a political position "not readily distinguishable from the 'grand simple principle'...of John Stuart Mill's *On Liberty*"—has received much less consideration.<sup>46</sup> Although, as Robert P. George has pointed out, Finnis' Aquinas is by no means a liberal theorist by contemporary standards since almost all traditional morals legislation is sustainable under Finnis' version,<sup>47</sup> nonetheless, in Finnis' hands Aquinas takes a notably modern turn. Moreover, Finnis's position is becoming increasingly influential (in substance, if not always directly acknowledged) in contemporary natural law theory and Thomistic interpretation.<sup>48</sup>

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<sup>43</sup> Paul Sigmund, *The Philosophical Review*, vol. 110, no. 1 (January 2001) 129, 131.

<sup>44</sup> John Finnis, (Oxford: Oxford Univ. Press, 1980).

<sup>45</sup> See, for example, Russell Hittinger, *A Critique of the New Natural Law Theory* (Notre Dame, Indiana: University of Notre Dame Press, 1987) and the 25<sup>th</sup> anniversary symposium on *Natural Law and Natural Rights* published in *The American Journal of Jurisprudence*, vol. 50, (2005).

<sup>46</sup> Finnis, *Aquinas*, 228. There have been a few treatments of Finnis' argument on limited government and the political common good: Michael Pakaluk, "Is the Common Good of Political Society Limited and Instrumental?", *The Review of Metaphysics*, vol. 55, no. 1, (September 2001): 57-94. Pakaluk's critique is the best I have come across, yet (as I will argue) it is not persuasive on significant points. See also, Lawrence Dewan, O.P., "St. Thomas, John Finnis, and the Political Common Good," *The Thomist*, vol. 64, (2000): 337-74 and Steven A. Long, "St. Thomas Aquinas through the Analytic Looking Glass," *The Thomist*, vol. 65 (2001): 259-300, 291-299. These latter treatments are helpful at several points, but at key junctures fail to adequately address the nuance of Finnis' arguments.

<sup>47</sup> Robert P. George, "The Concept of Public Morality," *The American Journal of Jurisprudence*, vol. 45, (2000), 30.

<sup>48</sup> Prominent examples include Robert P. George, "The Concept of Public Morality," Mary M. Keys, *Aquinas, Aristotle, and the Promise of the Common Good*, (Cambridge: Cambridge Univ. Press, 2006); Mark C. Murphy, *Natural Law in Jurisprudence and Politics*, (Cambridge: Cambridge Univ. Press, 2006); Christopher Wolfe, *Natural Law Liberalism*, (Cambridge: Cambridge Univ. Press, 2006). Keys and Murphy do not directly rely upon Finnis's instrumentality thesis, but their positions, I argue, fundamentally

Consider, for example, the prominent recent study by Mary Keys, *Aquinas, Aristotle, and the Promise of the Common Good*. In arguing that Aquinas reworked Aristotelian politics primarily by emphasizing a universal common good grounded in natural law, Keys follows Finnis in replacing a *political* human nature with a decidedly *social* nature. By Keys's lights, Aquinas viewed the political good as fundamentally contingent, relative, and thus very problematically connected to unqualified human flourishing. Of course, Aristotle himself wrestles with the contingency of political regimes and their ability to fully realize the human good *simpliciter* for all citizens. Aquinas, Keys argues, is unsatisfied with the Aristotelian solution (an embrace of regime relativity, she argues) and consequently "*redefines* the political or civic character of human nature more fundamentally in the function of human sociality and its ethical requirements."<sup>49</sup> Natural law privileges the universal social nature of man over against the *intrinsic particularity of the political*. Although Keys recognizes that for Aquinas law implies a community, a particular group, she contends that the clear emphasis is on the larger common good of the universal human community. *Cosmopolis* replaces *polis*.<sup>50</sup> Now, certainly Aquinas subjects the pronouncements of human law to the transcendent and universal tenets of the natural law.<sup>51</sup> But Keys position seems to require the further premise that insofar as political community is inherently particular and relative it has no intrinsic *telos* or natural orientation to human social goods. Since political community is

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assume it. Murphy, in fact, directly argues *against* Finnis's position, but as I demonstrate in Chapter V, his final argument against the *distinctiveness* of the common good imports a tacit reliance on the instrumentality thesis.

<sup>49</sup> *Promise of the Common Good*, 96. Emphasis original.

<sup>50</sup> *Ibid.*, 190-96, 101. It should be noted that Keys does not appear to be self-consciously building on Finnis's common good thesis. She also is not as careful as Finnis to differentiate between the social and the political. Thus, throughout her study she refers to the "social and civic" nature or inclinations of man (e.g., p. 131). This ambiguity has the virtue of consistency with ambiguities in Aquinas's thought, but it also has significant drawbacks when particular arguments are being made concerning the relative importance of the social, as specifically differentiated from the political, in Aquinas's thought.

<sup>51</sup> ST, I-II, q. 95.2: "Every human law has just so much of the nature of law as it is derived from the law of nature."

not itself guided by intrinsic purposes constitutive of human sociability, it seems inescapable that regardless of the political community's strict necessity, it is substantively instrumental to the human social good. This is the nub of the argument for both Finnis and Keys, although Finnis places greater emphasis on the subpolitical common goods shared among friends, families, and religious communities and Keys emphasizes the transpolitical character of a universal common good defined by natural law.

Together Finnis and Keys illustrate what Mark Murphy argues is a persistent—and as yet unsatisfactorily resolved—problem for natural law theories of the political common good. On the one hand, Murphy argues, the subpolitical challenge contends that friends and family (for example) simply count for more than does the political community.<sup>52</sup> One might argue (as does Murphy) from the specialness of these relationships, which seem to inherently provide strong rational grounds for preference and protection, or (as does Finnis) from the ability of these relationships to objectively realize goods of greater significance to human flourishing. On the other hand, the “superpolitical” point of view challenges the rationality of the political community's limited common good. From this perspective, Murphy explains, “the good of persons [is] fundamentally and non-derivatively the object of practical concern, [and] any principled difference between the good of members of one's political community and the goods of non-members [must be rejected].”<sup>53</sup> Finnis has argued along these lines, “If it now appears that the good of individuals can be only fully secured and realized in the context of international community, we must conclude that the claim of the national state to be a complete community is unwarranted.”<sup>54</sup> Mary Keys's privileging of the superpolitical point of view in her interpretation of Aquinas addresses the issue from a more abstract

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<sup>52</sup> *Natural Law in Jurisprudence and Politics*, 169.

<sup>53</sup> *Ibid.*, 170.

<sup>54</sup> Finnis, *Natural Law and Natural Rights*, 150.

ethical position, but the outcome is the same: a significant derogation of the role political life inherently plays in realizing the human good.

Thus, politics is assailed from above and below—by the greater intensity of sharing in human goods provided in the latter case and the greater extension of human concerns required in the former. This dilemma undoubtedly characterizes all political philosophy, but, as Murphy points out, it is particularly problematic for natural law / natural right theories inasmuch as they *ground* the authority of law in its ability to promote the common good of the polity.<sup>55</sup> To the degree, then, that rational reflection undermines decisive commitment to the political common good, it would seem that authority of law itself is called into serious question.

It is not necessary here to give a full review of Murphy's treatment of this dilemma and all his reasons for concluding that the theoretical difficulties persist for natural law theories of the common good. The discussion of Finnis's and Keys's respective work should suffice for that. One point that Murphy makes should be highlighted, however, because it demonstrates the limitations of one particular kind of argument for the primacy and intrinsic human goodness of the political common good. An argument from the inclusivity of the political common good bases its superiority on its comprehension of the good of the many rather than the good of a few or of one.<sup>56</sup> Both Aristotle and Aquinas give indications that the greatness of political society is based on the greatness of its extension. For example, Aquinas states that "the good of the multitude is greater and more divine than the good of one man."<sup>57</sup> The problem with this argument is that it suggests very little. A common good based on inclusivity only entails an

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<sup>55</sup> Aquinas's formulation is particularly famous: "Law is an ordinance of reason *for the common good* made by him who has care of the community, and promulgated." *ST*, I-II, q. 90, a. 4, *emphasis mine*.

<sup>56</sup> The point here relates specifically to the subpolitical challenge, so I will not discuss how the argument must be filled out if it is to successfully address the superpolitical challenge.

<sup>57</sup> *De Regno*, 70. See also, *De Regno*, 24 and Aristotle, *NE*, VIII, 9, 1160a10; *Politics* I, 1, 1252a3.

aggregation of individual goods. That the political community protects *more* goods seems to require that the common good be pursued only as a *modus vivendi*. But, this, in turn, would seem to derogate the qualitative status of the common good, and thus its importance relative to other human goods. And this is precisely the kind of argument that Finnis makes about the qualitative status of the political common good. The political common good is “complete” insofar as it extends to everyone in the community and provides the matrix they and their various subpolitical associations need to flourish.<sup>58</sup> But at most, as Finnis consistently argues, this entails a conditional, instrumental understanding of political society. This is not to say that the inclusivity argument achieves nothing, and I do not mean to imply that either Aristotle or Aquinas employs it exclusively. It does, however, suggest that arguments of this nature must be employed very carefully, without expecting them to do more work than they are able. More importantly, it also indicates what kind of argument is needed in order to demonstrate the intrinsic goodness of the political common good—or any association for that matter. What is needed is a qualitative understanding of the association as such. What are its aims? What kind of activity is required to achieve them? Are these ends, once achieved, and the activity whereby they are achieved, perfective of human capacities? If so, how? And finally, which capacities do they perfect, and what is the value of these virtues relative to other human virtues?

It should be said that while Finnis’s work has provided a point of entry for the questions raised in this project and his arguments receive central attention at a number of points (both critically and affirmatively), it is not conceived simply or even primarily as a response to Finnis. Rather, using Finnis’s work as an point of entry, I have launched my

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<sup>58</sup> Finnis, *Aquinas*, 249.

own exploration of the nature and status of the political common good. Briefly, the investigation proceeds as follows.

Given the prominence of his argument, and moreover, its substantive merit has a cogent normative and interpretive presentation of the political common good, begin by giving sustained critical attention to Finnis's argument against the intrinsic goodness of the political common good. Whereas previous critiques of Finnis have tended to focus on his inability to account for various passages in the Thomistic corpus that seem to strongly privilege the political, none of them have addressed the structural features of Finnis's account that he takes to anticipate and dispose of such objections. Because of this failure to address the nuance of Finnis's argument, the critiques have been mostly unpersuasive. (In my estimation Michael Pakaluk's critique is an exception to this, but still not wholly persuasive insofar as it makes Aquinas too Aristotelian by failing to give adequate attention to important texts that Finnis's rightly foregrounds.) I have attempted to remedy this situation by taking Finnis on his own terms, in a sense, giving careful consideration to his methodology and dual structure of the common good. I do find Finnis helpful on many points, and in fact, rely upon his dual structure of the common good in articulating formal characteristics of the political common good in Chapter V. Nevertheless, I argue that Finnis's instrumentality thesis emerges as an unjustified (question begging, in fact) conclusion of his argument, and that this mistake follows from a crucial elision Finnis relies upon between saying that the law does not aim at cultivating all-round virtue and saying that it does not aim at cultivating virtue *simpliciter*. From here, I turn to develop a positive account of the intrinsic goodness of political association.

My overall method is basically Aristotelian in its attempt to understand the thing that is political community by taking it apart, as it were, and developing an understanding



of the whole from its constituent parts. I do not achieve this by a substantive analysis of each of the political community's parts—moving from reproductive to household relationships, then on to civil society (businesses, civic and religious groups, etc.), and ultimately political associations. Rather my argument is both formal and substantive, giving equal attention to how we should take the various parts to relate as to what the substantive goods of those parts are. This dual character of the argument has necessitated that I focus on pivotal ideas and associations. Perhaps the clearest example of this is that my account of subpolitical associations, while treating of friendship in various ways throughout, only directly addresses the social “building block” of the family. This is a justified focus insofar as Aristotle and Aquinas each in his own way took it to be *the* building block. This is a position that I take my argument not simply to assume, but to strengthen. Yet there is much more that could be said about personal friendships and the important realm of civil society that lies (on something of a continuum) between the family and the political community. However, I think the formal arguments developed here are well worth the time and effort. For essential to the logic of critical reconstruction is not only understanding discrete parts as they are in themselves, but also how exactly they fit together. My aim has been to advance both purposes of the Aristotelian methodology.

Thus the first chapter of my positive account, Chapter III, gives an account of the basic structure of part / whole relationships within the political community. Focusing on his Aristotelian commentaries, I unpack the way in which Aquinas, although he accepts Aristotle's basic analogy of the body politic, attributes substantive content to subpolitical associations such as the family in determining what political community must be. The importance of the body politic metaphor is not that it establishes the polis as a substantial unity or otherwise grants subsumptive power over the city's “organic parts.” Rather, by

attending to the metaphysical distinction between *form* and *species* that Aquinas features in his comments on the genesis of the city, we can see that Aquinas wants to draw attention to the *kind of thing* political community is and the way in which he takes political association to presuppose and be informed by the substantive goods of basic subpolitical associations. Further, I demonstrate how the merit of this reading is borne out in Aquinas's treatment of domestic association in his *Commentary on Aristotle's Politics*.

Building upon this important (though not complete or absolute) primacy of the family in the basic structure of political community, Chapter IV turns to develop the substantive nature of familial association, giving particular attention to the classical concern with the family's particularity, on the one hand, and the modern concern with its inequality, on the other. Drawing upon the parent-child relationship as a primary example of Aristotle's "other self", the argument highlights the essential connection between parental love and a moral framework conducive to the cultivation of a truly virtuous character, viz., one that sees and acts according to the inherent desirability of virtue. Moreover, the inherently *educative* character of parental love imbues the family with an inherent rationality, not merely an affective or emotional importance. A crucial aspect of this chapter is that it puts a fine point on a fundamental problem encountered when articulating the substantive value of the common good. The problem is this: Intimate relational goods of family and friendship exert not only an affective primacy in individual preferences, but also instantiate our richest experiences of virtue and flourishing. Thus, the claim of political community to be anything more than an instrument to these realms of private life is subject to serious question.

The final two chapters turn to give specific consideration to the political common good. Chapter V addresses formal characteristics of the political common good, and in many ways the argument parallels in ethical terms the thrust of the argument in Chapter

III advanced in metaphysical terms. I consider the ways in which common goods are both aggregative of individual goods and distinct loci of social practice—such that promoting the good of an association per se may factor intrinsically and decisively in the determinations of practical reason. The argument here incorporates Finnis’s basic distinction between the political common good and the common good of political society inasmuch as Finnis’s dualistic account makes plain that the normative claims of political community depend upon its substantive inclusion of diverse and incommensurable subpolitical goods. A key thesis that begins to emerge here is that an adequate account of the political common good must in part include the distinctive good of the political community per se.

Finally, Chapter VI develops an account of the substance of the political common good that makes it intrinsically—though only partially—constitutive of the human social good. I focus my account on the nature and possibility of civic friendship, first developing Aristotle’s account of it as a shared life of virtue centered around the political association itself. Although Aquinas appropriates Aristotle’s understanding of civic friendship in important respects, I argue that a crucial rift necessarily emerges in Aquinas’s “affirmation of ordinary life” and the pluralistic account of human sociability that emerges from it. Nevertheless, there are essential human virtues—justice, love, generosity—that are uniquely, if not exclusively, realized in the extended scope of political community. Even when small political associations centered around a common civic life are abandoned, I contend that civic friendship still has an important political role to play insofar as it draws upon the repository of goodwill and common constitutional commitments embodied in the community itself. This, in turn, highlights the essential significance of the political community’s *distinctive good* (i.e., the good of the community per se) to an overall account of the common good, and moreover,

preserves the intrinsic value of the political common good against the superpolitical challenge of a universal human community.

## Chapter II: Critical Assessment of Finnis's Instrumentality Thesis

The aim of this chapter is to provide a critical “ground clearing” of perhaps the most influential account of the political common good in contemporary natural law theory. Let us begin with a general statement of John Finnis’s position, then I will explain the contours of my own approach to his argument before beginning a detailed consideration of its merits. A central conclusion of Finnis’ position is a distinction between public and private that precludes on the basis of principle governmental regulation of “secret and truly consensual adult acts of vice.”<sup>1</sup> On a more fundamental level, he argues that Aquinas views the state’s role as both limited and instrumental. It is limited in that state action is only rightly directed toward the maintenance of a “political common good,” or “public good,” i.e. a state of temporal tranquility conducive to the flourishing of individuals, families, and churches. And this “public good” is, in turn, instrumental in that it does not inherently instantiate a good constitutive of human flourishing.<sup>2</sup> The political community as such, then, is not an end sought for its own sake, but only for the sake of and to the degree that it facilitates other goods. This contrasts with a tradition of moral paternalism that viewed the government’s role as that of moral instructor, responsible for inculcating virtue and eradicating vice, not only in the public life of the community, but also in the private lives of citizens.<sup>3</sup> According to this traditional view, the state takes a direct part in shaping virtuous citizens qua individuals.

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<sup>1</sup> John Finnis, “Is Natural Law Theory Compatible with Limited Government?,” in Robert P. George, ed., *Natural Law, Liberalism, and Morality* (Oxford: Clarendon Press, 1996), 8. I should note at the outset that Finnis does not directly attribute this formulation of the distinction between public and private to Aquinas. However, I believe it is clear that the careful reconstruction of the Thomistic position that Finnis argues for in *Aquinas* closely entails the formulation he later specifies. Therefore, I have decided to treat Finnis’ writings on this as a single, cohesive articulation of the genuine Thomistic position.

<sup>2</sup> Finnis allows one possible exception to the instrumentality of the political common good: insofar as restorative justice is integral to the basic good of human sociability, it may be said to be more than merely instrumental. *Aquinas*, 245.

<sup>3</sup> For an overview of the main themes of this Aristotelian/Thomistic political tradition, see Robert P. George, *Making Men Moral: Civil Liberties and Public Morality*, (Oxford: Clarendon Press, 1993), 19-47.

This, in turn, contributes to a civic common good—thickly conceived in the Aristotelian sense of a communal life of virtue<sup>4</sup>—which instantiates a level of human flourishing aptly described as “complete.” The *polis* or *civitas*, generally speaking, is the whole of which individuals, families, and various associations are parts.

There are, of course, numerous limitations and qualifiers necessary here to fully cash out the differences between the traditional view of the state and that for which Finnis argues. But the general dividing faults are clear enough: In Finnis’ view the state’s “completeness” as an association in virtue becomes a comprehensive, but fundamentally secondary, association in which other, more basic goods are facilitated. The state is complete in extension, but not as an end of the good life. Consequently, the role the state plays in bringing about the good life is likewise secondary. Governmental responsibility, and thus authority, only extends to persons and events as they appertain to the public interest in justice and peace, social aims that for Finnis are mainly conditional and coordinative.

The general aim of this chapter is to give consideration to the interpretive methodology according to which Finnis structures his argument. None of the previous analyses of Finnis’ political thesis have given any attention to this basic structural component; yet it is perhaps the most important and interesting element. Finnis himself is very careful to provide a particular orientation to his investigation, though the degree to which this course holds constant is somewhat ambiguous. Nevertheless, Finnis’ basic methodological claim (which I will explain shortly) is provocative and, I think, repays careful consideration. Pursuant to this general aim, I have addressed myself to two particular aspects of Finnis’ argument, namely, his articulation of a principled distinction between public and private, and his specification of the aim or purpose of law.

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<sup>4</sup> Aristotle, *Politics*, III.9 1280a25-1281a10.

Consideration of the first will be comparatively brief, but nonetheless important to my argument. I will finally turn to consider a significant aspect of Finnis' argument that does not appear to fit into the initial methodology, and conclude with what seems to me to be a better statement of the Thomistic articulation of the nature of political association. Throughout, my basic contention is that Finnis' explicit methodological orientation predisposes him to infer more about the nature of political community and association from the limited operation of law and government than can be legitimately derived. This mistake, in turn, underlies a basic assumption about the aim or purpose of law that ultimately requires the conclusion Finnis reaches concerning the instrumentality of the political common good.

#### **FINNIS' INTERPRETIVE METHODOLOGY**

Before turning to the details of Finnis' argument, let me limn his methodology. For Aquinas, the fundamental question concerning the legitimacy of state authority is its relationship to the common good. His famous definition of law states that law is an "ordinance of reason for the common good, made by him who has care for the community, and promulgated."<sup>5</sup> The common good is the ordering principle of all law justly conceived, and to the degree that law strays from this end, it is defective and only called "law" in a limited sense.<sup>6</sup> However, Aquinas is less than clear on what exactly the nature of this common good is. As Gregory Froelich has pointed out, whereas Aquinas provides an extended treatise in the *Summa Theologica* on the nature of individual goodness, he provides no such comparable discussion of the common good.<sup>7</sup> Rather, we are left to piece together his view from various texts (examples primarily) in which the

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<sup>5</sup> Thomas Aquinas, *Summa Theologica* (hereinafter ST), I-II, q. 94, a. 4, trans. Fathers of the English Dominican Province, (Notre Dame, IN: Ave Maria Press, 1981).

<sup>6</sup> ST, I-II, q. 90, a. 2.

<sup>7</sup> Gregory Froelich, "The Equivocal Status of *Bonum Commune*," *The New Scholasticism*, vol. LXIII, Winter 1989, 38-57.

idea is used in many different ways. On Finnis' account, however, this difficulty seems to be the product of a methodological decision by Aquinas to stipulate that the state<sup>8</sup> (or *civitas*) is a "complete" community in a purely formal sense, i.e., "a community so organized that its government and law give *all* the direction that properly can be given by human government and coercive *law* to promote and protect the common good."<sup>9</sup> The result of this formalism, Finnis maintains, is that the basic question about the nature of the common good becomes "substantially equivalent" to the question of the appropriate means of governmental regulation. That is, the question "Can a state's common good, being the good of a complete community, be anything less than the complete good, the fulfillment—*beatitudo imperfecta* if not *perfecta*—of its citizens?" is answered by asking "What type of direction can properly be given by governments and law?"<sup>10</sup> Given the paucity of direct comment on ends (i.e., the nature of the common good of political community), any interpreter of Aquinas is forced in large part to consider his discussion of means (i.e., the appropriate scope and methods of governmental regulation), but it is a significant move to treat them as equivalent by making one the interpretive key to the other. Before saying more about this, let me delineate further several discrete aspects of Finnis' basic question and the bifurcated answer he proposes to it.

In asking whether the common good of the state can be less than the fully virtuous flourishing (*beatitudo imperfecta*) of individual citizens, Finnis places a number of importantly distinct issues on the table. Firstly, the question concerns the state's relationship to an individual's full internal possession of a virtuous character. A law may require that a virtuous action be performed, but should it—is it even able to—demand

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<sup>8</sup> By "state," Finnis means the whole of the political community. He distinguishes this from government, which is the ruling part of the political whole. *Aquinas*, 219-220.

<sup>9</sup> *Aquinas*, 221-222. Emphasis original.

<sup>10</sup> *Ibid.*, 221.



that the external action be motivated by a truly virtuous frame of mind? Secondly, the question concerns the state's legitimate interest in the whole gamut of virtuous activity. Does the common good equally concern "self-regarding" virtues such as temperance and "other-regarding" virtues such as generosity and justice? Thirdly, an inquiry into the link between the common good and complete human flourishing requires an understanding of the relationships and associations essential to that flourishing. If it is clear that the family, for example, is integral to complete human virtue, then the investigation must necessarily address not only an individual's virtuous character, but also the familial relationships and context that serve as an essential object of virtuous action. As Aquinas argues, particular objects or contexts for virtue create separate species of virtuous action.<sup>11</sup> And since understanding various species of virtue is necessary to a full account of *beatitudo imperfecta*, the nature and requirements of basic human associations are also at issue here. Finnis' argument, therefore, turns not only on the law's concern with the internal workings of the individual soul or a distinction between personal and other-related virtue, but also on the particular character of political relationships and interactions. A pivotal question, then, is this: Does the political community constitute an essential locus of human virtue?

Understanding Finnis' treatment of this issue is complicated by the nuanced answer he offers to his initial question. In answer to the query "Can a state's common good...be anything less than the complete good...of its citizens?", Finnis argues yes and no. This reply is based upon two different ways of conceiving the political. His primary answer is yes, the *specifically political* common good for which the government is responsible is less than the complete natural good of individuals. The primarily

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<sup>11</sup> Thomas Aquinas, *Commentary on Aristotle's Nicomachean Ethics* (hereinafter *Commentary NE*), Lec. 2, n. 912, trans. C.J. Litzinger, (Notre Dame, IN: Dumb Ox Books, 1993).

conditional character of this “public good” has already been remarked. On the other hand, Finnis answers “No,” allowing that the “common good of the political community” includes the complete good—or “all-round virtue”—of all its members and constituent associations.<sup>12</sup> Thus, Finnis wishes to maintain a distinction between the political and the *specifically* political. He denotes the former with the terms ‘political community,’ ‘state,’ or ‘*civitas*,’ and conceives its good as nothing less than the “common good of the whole of human life.”<sup>13</sup> The *specifically* political, on the other hand, describes the common good particular to the domain and activities of government. Finnis calls this the “political common good” or “public good,” and his argument especially aims to demonstrate the limitedness and instrumentality of this good. But as I shall argue, Finnis’ differentiation of “the common good of political community” and the “political common good” is highly problematic when it comes to clarifying and assessing the character of political life and its relationship to human flourishing.

This fundamental difficulty is closely entailed, it appears to me, by the basic methodological equivalency Finnis constructs between the end or purpose of political community and the appropriate purview of governmental regulation. Notice that by deriving the common good of the state (by which he means the whole political community) from the operation of government and law, Finnis has substantively subsumed consideration of what political community is into a description of legal regulation. Now, it is clear that Finnis wishes to avoid such an outcome by maintaining the category “common good of the political community,” but as I will contend, this conceptual distinction has no real substantive content that does not reduce to an account of government and law or, in the opposite direction, dissipate into the universal good of

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<sup>12</sup> *Aquinas*, 235.

<sup>13</sup> *Ibid.*, 238.

humanity, whose good is common (temporally speaking) only by way of logical predication.

#### **A LIMITED POLITICAL COMMON GOOD: DELINEATING PUBLIC AND PRIVATE**

Let me begin by briefly recapitulating the various components of Finnis' case for limited government. Finnis is fundamentally concerned to distinguish the scope and goals of parental authority from those of government. Given that Aquinas unequivocally affirms that both authorities seek to inculcate virtue, can we assume that the law, like parents, aims to educate citizens "into complete, all-round virtue and fulfillment?"<sup>14</sup> Whereas this conclusion is initially plausible, Finnis argues, a number of factors preclude it. At the most basic level, all human law evinces a twofold difference from divine law. Divine law ordains men, not only to one another, but also in relation to God, and thus it comes within its domain to regulate all those things whereby man is rightly related to God—including precepts related to the intellectual virtues and interior passions. Human law, on the other hand, because its purpose is only to order persons with respect to each other, is likewise limited in jurisdiction. It only properly regulates external acts pertaining to social interaction.<sup>15</sup> Finnis next adduces the public / private distinction to show a further restriction on the class of external acts which government properly regulates. Insofar as Aquinas indicates that the object (or subject matter) of at least some acts of virtue will only be ordainable to private goods, a further narrowing of the particular purpose of law (i.e., the common good) is entailed. The existence of private goods for which the law is not directly responsible necessitates a diminished scope to that common good for which it is. Additionally, Finnis points to the ecclesial community, as well as the personal goods of religious faith and worship, as goods which fall outside the jurisdiction

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<sup>14</sup> Ibid., 223.

<sup>15</sup> ST, q. 100, a. 2.

of government and thus indicate a constrained political common good.<sup>16</sup> These factors, Finnis reasons, combine to form a conception of the public good much “thinner” than the fullest sense of peace in Aquinas’ writings. In that substantial sense, peace expresses the unity of persons joined in fully virtuous activity and desire.<sup>17</sup> Specifically political peace, by contrast, is only that “peaceful condition needed to get the benefits {utilitas} of social life and avoid the burdens of contention. It is a peace which falls short of the complete justice which true virtue requires of us.”<sup>18</sup> Just law, therefore, cannot rightly require *real* virtue of citizens (cannot say “be a just person”), but only regulates external actions; nor is it directly concerned with the “all-round virtue” of citizens, but only the interactions among people regulated by the norms of justice. In these important respects, legal authority differs from parental. For although it is true that parents do not actually require virtue itself,<sup>19</sup> their sensitivity to the outward manifestations of virtue allows much greater precision in successfully cultivating a virtuous soul. Moreover, the authority of parents *does* embrace virtue all round, including those “self-regarding” acts of virtue (e.g., most acts of temperance and friendship) which fall outside legal purview.<sup>20</sup> In contrast, Finnis argues, Aquinas’ articulation of a limited public good entails that governmental regulation of conduct is, in principle, excluded from encroachment on “secret and truly consensual adult acts of vice” or “truly private conduct of adults.” Instead, government is responsible for the “public realm or environment.”<sup>21</sup>

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<sup>16</sup> *Aquinas*, 226.

<sup>17</sup> ST II-II, q. 29, a. 1.

<sup>18</sup> *Aquinas*, 227-28. “It is a peace compatible even with tyranny,” Finnis says (footnote 48, citing *De Regno*).

<sup>19</sup> Per impossible. Aquinas notes that not even divine law requires the fullest mode of virtue. ST I-II, q. 100, a. 9c.

<sup>20</sup> *Aquinas*, 233, footnote 64. The parent educational role concerns the child “as such.”

<sup>21</sup> John Finnis, “Is Natural Law Theory Compatible with Limited Government?”, in *Natural Law, Liberalism, and Morality: Contemporary Essays*, ed. Robert P. George, (Oxford: Oxford Univ. Press, 1998), 1-26, 8, 17.

Now, the core of Finnis' case for limited government is the distinction between public and private goods, and the great onus of this distinction rests on Aquinas' response to the question, "Whether human law prescribes acts of all the virtues?"<sup>22</sup> He answers that whereas certain actions of *every virtue* will be rightly prescribed by law, not *every act* of every virtue will be. Aquinas reasons thus: Because the end or purpose of the law is the common good, the objects of acts of virtue ("that on which the action is brought to bear"<sup>23</sup>) must be referable to that good. Acts of virtue whose objects are only referable to a private good are not properly enjoined by law. Aquinas is clear in saying that whereas various acts pertaining to all virtues will be ordainable to the common good, at least *some* acts of every virtue will be ordainable only to a private good. In the case of courage, Aquinas explains, courageous acts may be done for the common good, as when one goes to war, or for a private good, as when one defends the rights of a friend. There is, therefore, a class of "private" acts, i.e., those acts of virtue whose objects cannot be rightly referred to the common good. So although Aquinas refers to legal justice as a "higher" or "supreme" virtue, which directs acts of virtue to the common good of a "perfect community,"<sup>24</sup> a state's laws must also recognize and promote as constitutive of that common good particular individuals pursuing particular goods by means of particular virtues. In contradistinction to what is "common" or "public," Aquinas calls these goods pertaining to individuals as such "private."

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<sup>22</sup> ST, I-II, q. 96, a. 3.

<sup>23</sup> ST, q. 18, a. 6. In any voluntary action, a twofold act can be differentiated, with two different objects of action: (1) an interior act (will), (2) an external act. The object of an interior act is the end of the action; the object of the exterior act is the "that on which the object is brought to bear." The first is the form of the second. Although Aquinas does not specify which kind of object must be referable to the common good, it seems clear that it must be the object of the external act, since human law only properly directs external matters. Ordination of the internal act to the common good belongs to the individual.

<sup>24</sup> Ibid., a. 6 ad 4; I-II, q. 90, a. 3 ad 3.

Although it is clear that Aquinas makes this principled distinction between public and private, its precise nature and scope is not altogether plain. Still, in various places Aquinas specifies a number of private goods, which in combination begin to clarify the kind of distinction he has in mind. Temperance, although certainly at times and places referable to the common good, is a virtue Aquinas particularly identifies with the individual's good.<sup>25</sup> Moving beyond the person, we just saw that Aquinas considers friendship, too, a private good. He also excludes liberality and friendship from the scope of justice, as having "little of the nature of anything due in them."<sup>26</sup> Additionally, Aquinas indicates that there is a distinct domestic good, to which law should relate in an indirect manner. Prohibition of acts of gluttony in the Old Law, for example, was left to parents as being "contrary to the good of the household."<sup>27</sup> This domestic good, while concerned in part with daily necessities of life, acquires a profound importance for Aquinas, inasmuch as marriage appears to be the highest form of friendship {*maxima amicitia*}.<sup>28</sup> It realizes not only the pleasantness of sexual union between the two, but also a fellowship in the whole of domestic activity and interaction.<sup>29</sup> Thus, Aquinas places what he takes to be the highest form of friendship at the core of the domestic good. Issuing from this foundational union, in turn, children extend the intimacy of friendship within the home. They are at once a chief common good of the marital friendship, as well as distinct persons with whom spouses will grow in friendship as they fulfill their duties

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<sup>25</sup> E.g., ST, II-II, q. 58, a. 7; *Commentary NE V*, Lec. 2, n. 909.

<sup>26</sup> ST, II-II, q. 80. "Justice alone, of all the virtues," Aquinas says, "implies the notion of duty." ST, I-II q. 99, a. 5 ad 1.

<sup>27</sup> ST, I-II, q. 100, a. 11 ad 3. The law is, however, involved in supporting this domestic good. As the passage Aquinas quotes in Deuteronomy 21 continues, the gluttonous son who would not submit to his parents' discipline was consequently stoned by the community. However, Aquinas indicates elsewhere that it was not for the gluttony that the son was punished by the law, but for his stubborn rebellion. ST, I-II, q. 105, Art. 2, ad 10.

<sup>28</sup> Thomas Aquinas, *Summa contra Gentiles*, III c. 123, n. 6.

<sup>29</sup> Ibid., "ad totius domesticae conversationis consortium"

of care and education.<sup>30</sup> Finally, the ecclesial community also constitutes a particular or “private” association within the political community, given its direct ordination to an eternal end transcending the competence of human government and law.<sup>31</sup>

Finnis appears to be well justified, then, in insisting on an important principled distinction between public and private goods for Aquinas. The basic character of this distinction is that it fundamentally inheres in acts; it is a differentiation between: (1) acts whose objects may be referred to the common good, whether immediately or mediately, and (2) acts whose proper objects are so directly connected with private goods as to be unpreferable to the common good.<sup>32</sup> Additionally, it seems evident that Aquinas attaches the distinction to acts inherent in particular relationships—friendship, most basically, and by extension the complex of relationships within the family. This is not to say that the household becomes entirely insulated from the law’s influence or is spatially defined as “private,” but Aquinas does give strong reason to identify it as a particularly private good, among whose relationships the law intervenes indirectly and secondarily.

Finnis’ argument on this point holds sway against critics such as Michael Pakaluk who are inclined to a much more Aristotelian reading of Aquinas’ political theory. By Pakaluk’s lights, it appears that Aquinas is fully Aristotelian, save for the addition of charity, which, if anything, serves to expand the scope of law, drawing individuals and families into a “complete harmony of persons” instantiated in the political community.<sup>33</sup> Whereas Pakaluk argues that there are a number of Aristotelian-Thomistic safeguards against totalitarianism (e.g., that there are real differences in kind of authority, which

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<sup>30</sup> ST, Supp., q. 41, a. 1; q. 44, a. 1; q. 49, a. 2 ad 1.

<sup>31</sup> This is implied in Aquinas, *De Regno*, 108. See also Finnis, *Aquinas*, 226.

<sup>32</sup> ST, I-II, q. 96, a. 3.

<sup>33</sup> “Is the Common Good Limited and Instrumental?,” 69-72. This is Pakaluk’s description of the highest form of peace, which he concludes comes within the legislator’s aim as much as is practically possible.

entails that higher authorities only “correct and direct” lower ones<sup>34</sup>), it is far from clear that any of these rise to the level of the Thomistic affirmation that there are private goods which are not rightly ordered to the common good. In this respect, one thinks of Aristotle’s recommendation that in the best regime the state’s “child-supervisors” should regulate the “explanations and stories” that young children are told in the home.<sup>35</sup> Although Aristotle apparently has some appreciation for the natural affection of the parent-child relationship, and thus for its effectiveness in putting children on the path to virtue, it is clear that he does not identify the family as a locus of private goods in the way that Aquinas does, and consequently subject only to indirect guidance and assistance by law.<sup>36</sup> Finnis’ insistence on the public / private distinction, then, is importantly helpful in clarifying Aquinas’ view of appropriate state regulation.

At the same time, it is evident that Finnis misidentifies the nature of Aquinas’ principled line between public and private. Whereas Aquinas locates the distinction in actions intrinsic to specific goods, and identifies it to certain degree with particular relationships, Finnis ultimately argues that “secret,” “truly consensual” and “adult” combine to clarify the “privacy” Aquinas has in mind.<sup>37</sup> Moreover, privacy would also seem to take on a spatial connotation for Finnis insofar as he contrasts “truly private conduct” with the “public realm or environment.”<sup>38</sup> These criteria are perhaps clearer than the abstract principle Aquinas propounds; however, insofar as they specify “realms” or “environments” of strictly principled privacy, they run afoul of the Thomistic principle. The salience of this mistake for our purposes is that it focuses the account of

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<sup>34</sup> Ibid., 87.

<sup>35</sup> *Politics* VII.17 1336a30-32. For helpful commentary, see Richard Kraut’s comments on this passage in Aristotle, *Politics* Books VII and VIII, trans. Richard Kraut, (Clarendon Press: Oxford, 1997), 158-59.

<sup>36</sup> See *Nicomachean Ethics* 10.9 (1180a14-1181b14) for Aristotle’s account for the importance of the parents in the process of moral formation.

<sup>37</sup> Finnis, “Limited Government,” in George, *Natural Law, Liberalism, and Morality*, 8.

<sup>38</sup> Ibid., 17.



limited government on a primary aspect of what the law *does*, i.e. maintain general conditions of peace and justice, instead of the diverse ends that delineate law's jurisdiction, i.e., various private and public *goods* instantiated in actions and relationships. In consequence, the emerging description of political society itself derives almost entirely from the means or operation of government, rather than from an assessment of the goods inherent to political life. This becomes clearest as Finnis turns to consider the relationship between law and virtue.

#### **THE AIM OF LAW: ALL-ROUND VIRTUE AND VIRTUE SIMPLICITER**

Finnis' misspecification of the principled distinction between public and private is closely connected to a deeper substantive difficulty in his account, namely, what Aquinas takes the essential aim or purpose of law to be. It will be my argument that Finnis' specification of the particular purpose of law and government has, in turn, very significant implications for his final assessment of the goodness of political life. In order to evaluate Finnis' conclusion that the political common good is instrumental to other goods more basic to human flourishing, it is necessary to be clear on his account of the aim of law. Clarity on this point, however, is not a simple matter in light of Finnis' nuanced distinction between the political common good, on the one hand, and the common good of the political community, on the other. It is an important matter, however, inasmuch as the end or purpose of an association defines its character. My guiding concerns throughout this analysis are: First, how specifically does the law cognize virtue?, and second, what difference does the answer to this question make for how one understands the political?

After having presented his basic case for a limited political common good, Finnis turns to consider what are perhaps the most problematic texts for his interpretation, i.e., "those many texts...which flatly say that law and state have amongst their essential

purposes and characteristics the inculcation of virtue.”<sup>39</sup> How should such texts be understood given the law’s limited responsibility only for the societal conditions of justice and peace? The answer, Finnis avers, is that in order for the government to be a successful guarantor of justice and peace, it is necessary that citizens not merely be constrained or coerced by law, but that they *personally adopt* the government’s aim of promoting and preserving justice. But in order for citizens to consistently act in a just manner, they must ultimately cultivate the internal dispositions and habits of the virtue itself. Thus, if the state is to successfully achieve its purpose, it must necessarily intend not simply to externally compel citizens to just actions, but that they actually *become just persons*. Consequently, Finnis concludes, “it is a legitimate hope and important aim {finis} of government and law that citizens will come to...act out of that particular virtue of character.”<sup>40</sup> Furthermore, because “practical reasonableness is essentially all of a piece” government also has a “legitimate interest” in citizens practicing other virtues, and this interest is ultimately strong enough—though not unequivocally—to support maintenance of a public moral environment in which such virtue can develop.<sup>41</sup>

So the law’s *interest* in virtue generally follows from the essential unity of all virtues, and thus its necessary connection to the virtue of justice. The virtue of justice, in turn, qualifies as an appropriate *aim* of government because having truly just citizens is necessary to *consistently just activity*, which is necessary if government is to achieve its essential function of maintaining the conditions of justice and peace. Now, I want to contend that there is a significant lacuna in Finnis’ argument here, so I will restate what I take to be the critical claim: The rationality of the law’s aim at cultivating the virtue of

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<sup>39</sup> *Aquinas*, 232.

<sup>40</sup> *Ibid.*

<sup>41</sup> Finnis argues that Thomistic texts “suggest” maintenance of a public morality, while “falling short of proving it.” *Ibid.*, 233, footnote 62.

justice in citizens derives only from the necessity of virtuous citizens (who have themselves adopted the purposes of government) to the government's successful maintenance of the conditions of justice and peace that circumscribe its proper activity.<sup>42</sup> Finnis is careful to specify that he takes the virtue of justice to be a *finis* (i.e., end, purpose, aim) of law, and this is just the word Aquinas employs.<sup>43</sup> However, Finnis is equally careful to insist that virtue *as such*, as distinct from actions merely in keeping with the requirements of virtue, only comes within the purpose of law because of its necessity to the public good. Virtue is a legitimate goal for the legislator because it serves this further end.

At this juncture Finnis' distinction between the political common good and the common good of political community becomes critical. For although the legislator's cultivation of virtue finds its justification in the public good, this good itself is part of a larger complex of goods—individual and common, private and public—which together comprise the common good of the political community. In Finnis' nomenclature, the political community (or 'state,' or '*civitas*') is simply the "whole large society" which comes under the political organization of a particular legal system.<sup>44</sup> *Its* common good is all-inclusive—the sum total of the *beatitudo imperfecta* of all the constituent members of the political community, both individuals and those essential human associations, such as the family, which reasonably desire participation in political society for the sake of the

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<sup>42</sup> The exclusivity of Finnis' rationale here is implicit, though still clear. He sets out to consider why Aquinas thinks the law aims at virtue and carefully specifies that it does so in order to secure the public good. He does not explicitly reject the possibility that the law aims at virtue *simpliciter* in the sense that I argue, but the structure of his argument makes it clear that he takes his stated justification to be exclusive. Moreover, nothing in Finnis' argument in the next chapter, i.e., that citizens ideally adopt the law's directives as their own, becoming "partners in public reason," amends this initial position (Ibid., 255-58). Incidentally, Michael Pakaluk's reading of Finnis on this point concurs with my own ("Is the Common Good Limited and Instrumental?," 58).

<sup>43</sup> See, for example, ST, I-II, q. 100, a. 9 ad 2.

<sup>44</sup> *Aquinas*, 220.

flourishing this “complete” community enables.<sup>45</sup> Consequently, the public good that government maintains is “for the sake of individual and familial well-being and cannot be identified and pursued without a sound conception of individual and domestic responsibilities.”<sup>46</sup> Thus, in an important sense, law and government are for the sake of the complete virtue that *beatitudo imperfecta* signifies, and the ultimate reason for law cannot be fully realized without an understanding of the diverse kinds of flourishing essential to the individuals and associations that comprise the political community. However, in moving beyond the particular specification of the purpose of law to the purpose of the political community as a whole, the role of law and government with respect to virtue fundamentally alters, Finnis argues. Beyond the end of the public good, law no longer regards virtue in the same way (as is already evident in the derogation to an *interest* in virtues other than justice and the somewhat tenuous affirmation of public morality). Because political community is comprised of individuals and families which themselves seek political life for their own “unrestricted purposes,” according to distinct kinds of practical reason in pursuit of goods which are “irreducibly diverse,” the law’s relationship to virtue becomes essentially indirect—oriented by a “sound conception” of human flourishing, but no longer “aiming” at it, i.e. taking it as an end for which the legislator acts. Thus, beyond the political common good and for the sake of its conditions, the law no longer *leads*<sup>47</sup> to virtue, but instead *facilitates* the virtuous life of all.<sup>48</sup> This all-inclusive good, Finnis allows, is “in a sense *the* common good of political community,” but this would seem to be an importantly qualified sense, given that it is not, strictly speaking, political.<sup>49</sup> The specifically political—that for which individuals

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<sup>45</sup> Ibid., 235.

<sup>46</sup> Ibid., 237-38.

<sup>47</sup> Aquinas’ word is *inducere*. See, for example, ST I-II q. 100, a. 9c.

<sup>48</sup> *Aquinas*, 231.

<sup>49</sup> Ibid., 238.

and families, etc. find it reasonable to engage in political life—is instantiated in the political common good, and the virtuous conditions realized at this level are the terminus of *the legislator's* purpose toward virtue.

Now, the essential point of Finnis' argument here is to demonstrate the ways in which law and government are not competent or concerned to make citizens “*really* good persons *all round*,”<sup>50</sup> but I want to argue that there is another critical aspect of the law's relationship to virtue which slips into Finnis' account with insufficient justification. That is this: There is a very important difference between saying that law, on the one hand, neither (a) simply requires that citizens be virtuous (as opposed to that they perform virtuous actions) nor (b) regulates the complete range of virtuous actions that comprise full human flourishing, and on the other, that law does not (c) cultivate those virtues related to actions which it *does* rightly regulate for the sake of the individual person, i.e. aim at virtue *simpliciter*, simply for the sake of the perfection it realizes in the soul of the individual citizen. Consider the straightforward command that citizens pay their taxes.

Aquinas' analysis of such a command would begin by differentiating the twofold manner of the law's intention to virtue: first, the *aim* or *purpose* {finis} of the lawgiver, and, second, the *matter* which the law concerns {id de quo praeceptum datur}. The aim of the lawgiver, Aquinas says, is simply “to lead {inducere} men to something by the precepts of the law: and this is virtue.” The intention relative to the matter of the precept, on the other hand, is “something leading or disposing to virtue, viz. an act of virtue.” The real virtue that is the purpose of a law and the act of virtue that the law enjoins are not the same, just as generally an end {finis} and what is for the sake of an end {ad finem} are distinct.<sup>51</sup> In the case of taxation, then, the law simply requires that citizens submit a tax

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<sup>50</sup> Ibid., 234.

<sup>51</sup> ST, I-II, q. 100, a. 9 ad 2.

return with the appropriate amount made payable to Uncle Sam. However, Aquinas thinks that such compliance only represents part of a good legislator's intention. The *goal* is that, in paying taxes, citizens acquire a just disposition of character that inclines them to act freely for the good of the community. Such citizens would contribute to the public weal apart from being required by law to do so. Finnis' description of the law's relationship to virtue makes sense of this inasmuch as he takes the real virtue of justice to be a legitimate aim of law. The law does not just seek to induce virtuous acts, but by means of these acts to induce to virtue itself.

Finnis' account, however, foregrounds a further question: *Why* does the legislator aim at cultivating real virtue? For Finnis, the legislator is only justified in answering, "So that citizens will reliably perform those actions necessary to the maintenance of the justice and peace for which I am responsible." He does not answer: "Because it is good for citizens to be just inasmuch as it perfects an aspect of their innate capacities and thus contributes to their happiness." The legislator's concern with virtue, then, essentially refers to a further end. Virtue *simpliciter*, for its own sake, which necessarily entails cultivation in the individual soul (insofar as human virtue is the concern), is not an appropriate aim of law since *justifying* such a goal requires reference to a further end, i.e., the conditions of the public good. Thus, Finnis finds no direct connection between the law and the individual for the sake of that person's own virtue.

Now, I do not intend to argue either (a) that the legislator does not take the conditions of justice and peace (as distinct from the acts of virtue that ideally comprise them) as an appropriate purpose of law, or (b) that it is illicit for an authority to intend the virtue of subjects *for the sake of* securing such conditions. Insofar as the remedial functions of law seek not to make citizens just, but to repair the effects of their having been unjust, the law is essentially concerned with securing conditions of justice.

Moreover, given that such conditions directly contribute to the common good of human persons, a legislator is not amiss in conceiving virtue as a means (because not a *mere* means) to those conditions he is responsible to maintain. At the same time, it is clear that aiming at virtue *simpliciter* is at least conceptually distinguishable from aiming at it for the sake of further ends. It seems perfectly reasonable, in fact, to say that an authority aims at virtue *simpliciter* and as a means to conditions of the common good. These purposes are not mutually exclusive.

Consider a simple example within the familial context: a parent's requirement that children remove their toys from the living room floor after play. Certainly the good of household order is the immediate aim, and insofar as order is partly constitutive of the common life that the family shares, a whole complex of domestic activities and relationships is in view. It also seems true that any parent would anticipate that this simple requirement would begin to mold a child's character by creating a general habit of orderliness and by fostering a regard for the interests of others—both generally and particularly with respect to their immediate family life—which over time would contribute to the mature possession of a just character. And just as it is right for a legislator to intend the citizen's virtue for the sake of the public good, there seems nothing wrong with saying that a parent desires a child to practice these virtues of orderliness and justice for the sake of the family's common good. If a family is to achieve its potential as a closely-knit partnership in the goods, virtues, and joys of daily life, it is evident that each member must come to engage that community freely and fully, and to exercise their virtues for the sake of the common flourishing it realizes. Yet at the same time, a parent's intention is informed by the belief that the familial good instantiates something good for the child. Therefore, the intended virtues can also be intended for the child's own sake—or, to say the same thing, for the sake of the virtues as perfective of

the child's character. Because it is good for the child himself to be orderly and to contribute to the order of the common family life, a parent's directives naturally regard the virtue of the child for its own sake, virtue *simpliciter*. So both the common good of the family and the good of the individual child as such naturally fall within the intention of an attentive parent.

Limited to the familial context, Finnis should have no objection to this example, and, therefore, should generally accept the distinction I wish to advance.<sup>52</sup> However, as I remarked at the outset, Finnis is particularly concerned to demonstrate essential differences between legal and paternal authority. So perhaps my example is inapt. Indeed, I have already accepted an important part of Finnis' argument that strongly indicates that law does not concern itself with individuals as such. Because Aquinas' public / private distinction requires that the virtuous act which the law enjoins be ordainable to the common good, it would seem that the law is not directly concerned with virtue as such (i.e., as it perfects the individual), but rather with the specific virtue of justice, which specifically regards the individual qua citizen and orders actions according to and for the sake of those goods for which government is responsible. Of course, since these conditions themselves are oriented to full human virtue, the law's commands ultimately refer to the happiness of individuals. Yet, this is an indirect, instrumental relationship that does not give the legislator a concern for the individual per se. Finnis observes that Aquinas recognizes a distinction between legal and paternal authority inasmuch as paternal authority alone deals, not just with the child's interaction with others, but with matters that pertain to the child as such, e.g. the fully "self-regarding" acts of temperance that Aquinas takes to be outside the purview of law.<sup>53</sup> So even though neither parent nor

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<sup>52</sup> See Finnis' discussion of the goods inherent in family life in *Aquinas*, 242-45 and *Natural Law and Natural Rights*, 134-39, 144-150.

<sup>53</sup> *Aquinas*, 233, footnote 64.



king can simply require *real* virtue and, therefore, both are constrained by limited means in their pursuit of this end, it is likewise clear that, for Aquinas, parental authority takes a unique responsibility for the individual as such—for the child’s “all round virtue.” A parent does not regard a child only as “family member,” but is also responsible for the child’s well-being and education in every aspect of life. Because a parent’s responsibility extends beyond the common good of the family to include each child individually, parental authority has a fundamental connection to the individual as such that state authority does not have (at least not in the first instance). The law is simply not concerned with the individual in the same way that a parent is. Parental authority takes cognizance of both “family member” and “individual person.” The law, on the other hand, only cognizes “citizen.” Therefore, Finnis might want to object, the distinction I am suggesting is inapt to the analysis of law.

All of this (save the conclusion) is correct or can at least be conceded for my present purpose.<sup>54</sup> However, it falls short of addressing the point I wish to urge about the law’s aim at virtue *simpliciter*. It is important, I think, to distinguish a couple of ways we may wish to answer the question, “Does the law regard the individual as such?” In the sense that Finnis demonstrates, Aquinas does not take the law to regard the individual as such inasmuch as government is not responsible for securing the full range of virtuous acts that comprise individual flourishing. Moreover, it is those activities and relationships of an immediately personal nature that Aquinas naturally takes to pertain to “private goods.” Whereas parental authority may address these self-regarding activities and goods, state authority is at best indirectly concerned with them. Because the state’s responsibility

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<sup>54</sup> I have some reservation in saying that the law only aims at the virtue of justice (as opposed to all virtue). Given that they are, as Aristotle says, “the same in substance” (*NE* V.1.1130a10-13), the conceptual distinction simply may not matter. I am inclined, though, to think that it does. However, parsing this point is not pertinent to my present argument, so I will leave it for another time.

extends only to those actions bearing on the common good, the law, most precisely, regards *citizens*; it is not responsible for the virtue of individuals per se. Or, to put it another way, the whole concerns itself with its parts *qua parts*; it is not directly responsible for the flourishing of its parts *qua distinct wholes*, which have functions and goods particular to themselves.<sup>55</sup> It is important to notice, however, that this limitation only concerns the scope of state action, i.e., what the law does. Aquinas' distinction between public and private defines the class of acts the government may properly regulate, and it therefore seems appropriate to say that with respect to *jurisdiction* or *means*, the law does not directly regard the individual, but is concerned with him *qua* citizen. On the other hand, Aquinas recognizes a basic distinction between what the lawgiver does (or requires) and why he does it.<sup>56</sup> An act of virtue is commanded, but the full cultivation of virtue is intended, giving rise to the further question why the law intends virtue at all. Here the question is not answered by differentiating among the acts of virtue that the law is justified in requiring or by specifying what particular virtue at which the law may be properly said to aim. The question is, for the sake of what or whom does law intend those virtuous acts and qualities that it *is* justified in addressing? And at this level of description it seems very plausible to say that the law *does* regard the individual directly insofar as the virtue of justice is desired directly and precisely for the contribution to the individual's character that it is. So even if we say that civic virtues or justice are all that law properly requires, insofar as they contribute to what we take to be genuine flourishing of the individual, it is possible for the lawgiver to desire them for the sake of the individual. In this way, the law regards the individual *qua* individual with

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<sup>55</sup> Aquinas draws a distinction between a unity of composition and a unity of order. The *civitas*, as a unity of order, is comprised of parts which themselves exist as wholes distinct from the larger whole. *Qua* distinct wholes, the parts of the larger whole have functions, virtues, and goods particular to themselves. *Commentary NE*, I, Lec. 1, n. 5.

<sup>56</sup> ST, I-II, q. 100, a. 9 ad 2.

respect to its *end* or *purpose*. It just does not do so by requiring the whole panoply of virtuous acts that instantiate the individual's full flourishing. However, one cannot infer from the fact that an authority has a limited role in cultivating an individual's virtue whether or not that authority performs his partial task for the sake of the individual himself, i.e. cultivates virtue *simpliciter*, or whether he acts exclusively for a limited end inherent in the description of his jurisdiction.

There is, therefore, a notable conceptual gap between the substance of Finnis' arguments demonstrating that the law does not aim at the complete, all-round virtue of its citizens and his inference that it also does not inculcate virtue for the sake of the individuals that come within its jurisdiction. One may grant all that Finnis carefully lays out—that law only promotes virtue indirectly inasmuch as the internal aspects of real virtue are beyond its control; that human law only orders external interactions between people; that its jurisdiction is further significantly constrained to acts pertaining to the common good; that the ecclesial community, individual faith and worship are beyond its purview; that the law's concern with peace does not extend to “the complete justice which true virtue requires of us”; that its precise aim is at the virtue of justice; and thus even that the law is neither responsible for nor directly intends the complete, all-round flourishing that comes within parental jurisdiction—and still maintain that the law aims at virtue *simpliciter*, not simply for the sake of conditions the lawgiver is responsible to secure, but for the sake of the good it does to individual human persons as such.<sup>57</sup>

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<sup>57</sup> Finnis, *Aquinas*, 222-29, 232-34. I should make a couple of further minor points for clarification. First, there is a great deal of ambiguity in what Finnis takes to be the substance of the “peace” that falls within governmental jurisdiction. It may be possible for Finnis to contend that insofar as the public good is limited to that “peaceful condition needed to get the benefit {utilitas} of social life and avoid the burdens of contention” (227), there is not reason to think that the virtues appurtenant to such a condition would be inherently perfective of the individual. Thus they would be instrumental, and therefore not sought for the good of the individual per se. At the same time, he allows that the public peace necessarily includes a “love of neighbor as oneself,” i.e. “being willing to do one's neighbor's will as one's own.” Still, he concludes that this peace “falls short of the complete justice which true virtue requires of us” (227, n. 46). The problem here is that there is a great deal of conceptual space between mere non-contentiousness and the full

One may wonder if this conceptual distinction is substantively important. Does it tell us anything about the nature of the common good for which the lawgiver is responsible to say that he intends the virtues pertaining to it for the sake of individual citizens? There is much that may be said about this relationship, and I do not intend to explore all aspects of it here. I do want to draw attention, though, to what seems to me to be a significant oversight necessarily entailed in Finnis' account of the way that law aims at virtue. This oversight particularly relates to Finnis' conclusions about the instrumentality of the specifically political. For it would seem that if an authority does not promote the virtues specific to the association under his care for the sake of its individual members, he does not take the common good for which he is responsible to be intrinsic to human flourishing (i.e., he takes it to be merely instrumental). This inference is problematic for Finnis because if, as I have argued, Finnis does not adequately demonstrate that the law does not aim at virtue *simpliciter*, by concluding that it does not, Finnis effectively decides the question of instrumentality before setting out to prove it.

Consider a simple illustration. A professor, convinced of the necessity of personal dialectical engagement to the learning process, takes the seminar discussion class he teaches to be the kind of association essential to the basic human good of knowledge. He takes an essential part of human flourishing, then, to be involved in the kind of shared

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unity of virtue and desire that Aquinas attributes to the "thickest" form of peace. (See ST II-II, q. 29, a. 1) Finnis emphasizes the former, plausibly shows that the public good cannot directly include the latter, and suggests that the substance of political life falls somewhere in between. Given that this "in between" is only gestured toward (for reasons I will subsequently argue), Finnis' brief comments about peace do not warrant the inference that law does not aim at virtue *simpliciter*. There is, moreover, no reason to assume that virtues pertaining to even a fully instrumental end would not be sought in part for the sake of the individuals themselves.

Second, space does not allow me to include an analysis of Finnis' discussion of the public good in *De Regno*. Those interested will find a detailed critique in Michael Pakaluk's "Is the Common Good of Political Society Limited and Instrumental?", 77-86. Suffice it here to say that Finnis' consideration of *De Regno* adds nothing to the substance of his argument that is not contained elsewhere. The whole point of that discussion is to demonstrate that his interpretation can be squared with the most explicitly Aristotelian of Aquinas' political texts.

pursuit of understanding that he wishes his class to be, and he considers achievement of this goal the common good for which he is responsible. The full and informed engagement of each member in this process realizes at once the common good of all, inasmuch it contributes to the dialectal process, and the individual good of each, inasmuch as participation in this particular kind of common good realizes a part of what it is for humans to flourish. Of course, the professor must recognize myriad limitations on his responsibility. In the first place, his common good is a limited one. His students have other pursuits, responsibilities, virtues, etc. that are necessary to the whole complex of human goods of which he takes his own common good to be essential. His responsibility, and thus authority, is limited to requiring of his students only those sorts of activities that pertain to the class. Moreover, his authority does not practically extend to *making* the students mentally engage in the group discussions, much less to securing the level of insight and interaction necessary to achieve their common progress in understanding. Thus, his ability and authority to promote the good for which he is responsible is substantially limited, it would seem. Nevertheless, in addition to those structural requirements which provide the requisite order for class proceedings, he gives directives to the students designed to further the class objectives, e.g., writing assignments which require that they read and think about texts before coming to class and required contributions during the discussion. Now, obviously if students do only what is strictly necessary to fulfill the requirements, his real objectives will not be accomplished. The prospect of commonly gained insight depends upon students actually engaging the ideas, the dialectical process, and one another as they seek better understanding. Thus the common good depends on each student's real acquisition of the virtues pertaining to the class. Insofar as this is the case, it seems fair to say that he desires that the students be virtuous for the sake of the common good of the class. Because this particular set of

virtues is necessary to the good of the association for which he is responsible, he is right to intend that students be diligent in reading and thinking, attentive to the logic of unfolding arguments, and justly considerate of classmates by being punctual and respectful in discussion, *so that* the common learning, which is the point of the association, can progress. At the same time, given his understanding of the common good itself, it would be incomplete to say that he did not intend all of these same activities and virtues for the sake of the students themselves individually. His understanding of *this* association as a kind intrinsic to human flourishing entails that the virtues necessary to the associational good are likewise simply perfective of the individual as such. Insofar as human goods are associational, the relevant associational goods are human. Given that the desired human good is instantiated in the group itself, it seems necessary to say that the professor intends the virtue of each student *simpliciter*. Because the fundamental flourishing of the individual is not taken as a further end, but is pursued in the group itself, the professor aims directly at the good of individuals.

What I think this illustration makes clear is that if an authority takes the common good for which he is responsible to be intrinsic to human flourishing, then he will promote the virtues specific to that association for the sake of its individual members. From this it necessarily follows that if an authority does not promote the virtues specific to his association for the sake of its individual members, then he does not take the common good for which he is responsible to be intrinsic to human flourishing. This creates a problem for Finnis since it indicates that a substantive conclusion about the nature of political association (i.e., that it is instrumental) logically follows a premise about the law's relationship to virtue that he failed to demonstrate in relevant part (i.e., that the law does not aim at virtue *simpliciter*). Whereas one may grant Finnis' point that the law does not regard the individual *qua* individual with respect to the range of virtues

it commands—giving principled scope to the exercise of both individual and domestic prudence—it does not follow from this that the law does not regard the individual *qua* individual with respect to its end, cultivating virtue *simpliciter* precisely because the common good which it promotes is partly constitutive of human flourishing.

Of course, there remains the challenge of Finnis’ distinction between the political and the *specifically* political, or, the common good of the political community and the political common good. What should we make of Finnis’ further claim that the law *is* ultimately for the sake of virtue *simpliciter* insofar as the political common good is a necessary support to the full flourishing that occurs within the political community as a whole? As I have noted, in order to fulfill this auxiliary function, Finnis allows that the legislator must “ascertain and adhere” to the truth about human fulfillment and morality, ensconcing a “sound conception” of individual and familial responsibilities in the law.<sup>58</sup> In this sense political community is as thick as *beatitudo imperfecta* itself since it includes the complete complex of goods that comprise human flourishing. Doesn’t this provide a way for Finnis to affirm that political life is *for virtue* and a substantive account of the political that does not reduce to government and law? It does not.

The first reason for this follows directly from the argument I have just made. It is precisely the *legislative aim* at virtue that matters to our understanding of the nature of that association that comes within the legislator’s care. Although political community, as Finnis understands it, includes all the virtues of human flourishing, it represents no common aim or purpose toward them. Rather, the political common good facilitates the “unrestricted purposes” of individuals and families.<sup>59</sup> The common good of political community represents no unified purpose other than that of the legislator, and Finnis is

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<sup>58</sup> Ibid., 237, 239.

<sup>59</sup> Ibid. 235.

clear that this purpose terminates in the political common good. Virtue *simpliciter*, then, remains in no sense a *political aim*, or a *common* good of the political community.

Neither is the related substantive conflation of political community and government / law mitigated. Insofar as the political common good is “interdefined with the jurisdiction of state government and law” and this is the only unified purpose which the members of political community share, political life as such is all but entirely reduced to the operation of law and government. Now, it is true that government intends for citizens themselves to “adopt its purpose of promoting and preserving justice,” but Finnis gives no indication that this purpose extends beyond the jurisdiction of law and government (since the political common good represents the only shared purpose of political community). Political life, it would seem, then becomes simply a partnership in freely doing what the law commands, or perhaps what the law could command. But this is what one would expect if the lawgiver does not take himself to be inculcating virtue *simpliciter* since it follows that political association is then simply instrumental. Citizenship becomes freely fulfilling the instrumental purposes of the law.

One wonders, then, why Finnis labels this all-round flourishing the common good of a political community. The community seems to be political only insofar as it falls under the authority of a particular government, and the government itself has no direct or essential connection to that flourishing (except insofar as Finnis is willing to allow that restorative justice might be essential to the basic good of *societas*<sup>60</sup>). The goods are common in a logical sense, of course, since they are shared perfections of human nature, but insofar they bear only slight connection to political community per se, it is difficult to see how the relevant community does not simply dissolve into the universal human community.

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<sup>60</sup> Ibid., 245, 252.



It is evident, then, that Finnis' account of the common good of political community (the "No" answer to his basic question about the scope and nature of the state's common good) does not adequately address the difficulties raised by his explicit methodological decision to answer this question by examining the kind of law governments are justified in propounding (this is the "Yes" answer, and the main thrust of Finnis' argument). There is, however, a final twist in the discussion, one that raises a doubt about the real impact of his initial methodological commitment.

#### **AN ARISTOTELIAN ASCENT?**

In the final move of his argument Finnis turns to reconsider, apparently *ab initio*, whether there is a principled reason to constrain the state's authority. "Are there good grounds for judging that the state's specific common good is this limited public good of justice and peace?"<sup>61</sup> His aim here seems to be to determine if there is a good particular to political community which does not reduce to the limited and instrumental political common good. It is evident that Finnis is after the essential nature of political life per se, as distinct from all other forms of human association, since he quickly moves into an Aristotelian ascent from the nature of the family to groups of families and finally to the *polis*, asking in the process what makes political community 'complete'. That is, what makes it different in kind, not simply a larger aggregation of associations with greater—though essentially the same—objectives? *This* kind of methodology would seem to be directly contrary to an illicit inference of the purpose of political community from the operation of law and government. It becomes clear upon examination, however, that Finnis carries the same interpretive commitments forward into this reconsideration and, consequently, that the assumptions and substantive conflation I have identified continue to shape his conception of political society.

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<sup>61</sup> Ibid., 239-245, 239.

The upshot of Finnis' investigation is that "the common good which is interdefined with the jurisdiction of state government and law seems indeed to be an instrumental good." The crux of this conclusion is that "The need which individuals have for the political community is not that it instantiates an otherwise unavailable basic good."<sup>62</sup> So although law and government make political community "complete" in that they provide the final stratum of all things necessary to the successful cultivation of basic human goods, the goods themselves (i.e., education, friends, marriage, virtue, etc.) are already realized by individuals and families, Finnis argues. Save the remedial operations of law that restore justice between people, nothing essential to human happiness is added by law and government.

Within the space of a single paragraph, however, Finnis makes an essential transition in this argument. The question, remember, concerns the good of political community itself. This is the purpose of the Aristotelian ascent—to get at the basic nature of the political. At the critical point, however, Finnis simply shifts from speaking of the "complete community" or "political community" to simply a description of the functions of law and government, concluding that the common good "interdefined" with the jurisdiction of government and law is instrumental.<sup>63</sup> Now, if Finnis were to include in this common good the whole complex of political activity, association, identity, etc. in which citizens engage and which presumably falls within the jurisdiction (not to say control) of government insofar as it is publicly shared, there would be no substantive conflation here. This kind of common good would generally represent all that we mean when we speak of political life and association, and could be understood as "interdefined" with the jurisdiction of law and government. However, this is manifestly

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<sup>62</sup> Ibid., 245.

<sup>63</sup> Ibid.

not what Finnis has in mind. If it were, at least some discussion of the nature and value of this kind of political association would be required before concluding that it is merely instrumental to human flourishing. Instead, Finnis immediately concludes that the political good is instrumental, having only described it in terms of the operation of law and government. The unavoidable conclusion, then, is that he simply refers to the political common good under its previous description, and that description, as we have seen, collapses the substance of political association into an account of government and law. Moreover, Finnis' account of the political common good necessarily entails instrumentality since it excludes what would be necessary to concluding that political association is intrinsic to human flourishing, namely, that the legislator takes himself to be cultivating virtue *simpliciter*. Thus, Finnis' Aristotelian ascent culminates in the same conflation which characterized his explicit methodology at the outset. It is clear that here, as well as there, he intends a conceptual distinction between political community and the operations of law and government. Nevertheless, at both points of his argument the conceptual distinction substantively collapses. The "political" becomes the "specifically political," which in turn reduces to the legal or governmental.

## CONCLUSION

Recall that Finnis' basic question, "Can a state's common good...be anything less than the complete good...of its citizens?", requires that he address at least these three subsidiary issues: the state's relationship to an individual's internal possession of a virtuous character, the state's legitimate interest in the whole gamut of virtuous activity, and finally, the nature of associations in which individuals flourish—particularly the character and value of political association as such. Therefore, insofar as he takes his basic question to be equivalent to asking "What type of direction can properly be given by governments and law?", Finnis sets out to analyze and define these three issues

through an account of the appropriate operation of law and government. This methodology—which Finnis attributes to Aquinas<sup>64</sup>—does not reduce, strictly speaking, to a simplistic derivation of the end of law from its means. Clearly, even Finnis’ description of the kind of direction government rightly gives progresses in part by steadily narrowing the purpose of law to the temporal, then to the external, then the interactive, and finally to the common or public good. At the same time, it is evident that by taking the command of law as the interpretive key to the state’s common good Finnis’ analysis runs off course. In the first place, his specification of the private / public distinction attaches to a description of what the law does (i.e., the conditions it secures), rather than to the activities and relationships intrinsic to diverse goods, as for Aquinas. This focus on the operational aspects of law compounds in Finnis’ articulation of the law’s relationship to virtue. Finnis suggests that we understand what the law directly does, most importantly the conditions of justice and peace that it maintains, as the sole good that it seeks, its purpose. This is evident inasmuch as the law’s aim at the virtue of justice derives justification from this further end. Finnis takes the aim of law to be virtue for the sake of just conditions, exclusive of virtue *simpliciter*. However, in so doing, he necessarily assumes far too much about the basic nature of political community per se, effectively determining the issue of instrumentality from an unargued premise. Perhaps it is too much to say that this all necessarily follows from his initial methodological framework, but there does appear to be a single thread throughout. Finnis is consistently inclined to answer questions relevant to the nature of political community as such with an account of the operation of government and law. The paucity of direct theorizing about the political common good may suggest such an approach, but it is ultimately inadequate.

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<sup>64</sup> Finnis, *Aquinas*, 221. Although Finnis first says that the two questions “seem” to be equivalent, he immediately states that “Aquinas treats the questions as substantially equivalent” and proceeds as though they are.

What is needed, then, is a fuller account of the substance and content of the shared political life for which government is responsible.

Where to begin? Given that political community is a composite thing, comprised of many parts and yet bringing them into important unity, let us begin by following Aristotle's method of theorizing the character of the whole in light of the nature of its constitutive parts.<sup>65</sup> I do not want to turn initially to a specific consideration of the parts as distinct entities, but rather to a formal investigation of how the relationship between the parts and the whole is to be characterized. Within Aristotelian theory, this requires a consideration of the idea of the body politic.

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<sup>65</sup> Politics, I.1-2

### Chapter III: The Body Politic

The notion of political community as a unified substantial being is, for good reason, an infamous one. At the same time, if properly understood it can shed helpful light on the nature of political association. Aquinas himself thought it was for some purposes a helpful analogy, even though he was explicit in rejecting the substantial unity of associations. For Aquinas, there is something about the analogy, inasmuch as it captures an element of the relationships between the parts and the whole that make up political community, that reveals important truths about the *kind* of thing it is.

This chapter will proceed largely by way of interpretation. Aquinas makes very curious remarks in his commentary on Aristotle's *Politics* about the priority relationships within the body politic—seemingly affirming Aristotle's views, but interpolating some qualifications at the same time. It is worth giving some sustained attention to these texts in order to understand and draw out the implications of what Aquinas is saying. At the same time, the aspirations of my overall argument are normative, not interpretive. With this in mind, I will conclude this chapter with a brief statement of what I take the normative merit of Aquinas's position to be.

#### THE PROBLEM: PART / WHOLE RELATIONSHIPS & THE BODY METAPHOR

Thomas Aquinas employs a number of different metaphors in an effort to describe the complex relationships that exist within the political community, for example, a “ship of state,” an army, and a human body.<sup>1</sup> Unsurprisingly, it is this last metaphor that generates the greatest measure of interpretive difficulty for political theorists in general and Thomists in particular. Whereas the first two metaphors certainly imply a high degree of organizational unity within the state which seems to require subordination of

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<sup>1</sup> See for example, CNE, I, Lec. 1, n. 5 and discussion in M. S. Kempshall, *The Common Good in Late Medieval Political Thought* (Oxford: Clarendon Press, 1999), 88.

individual interests and goods to that of the political whole, speaking of a ‘body politic’ complicates the picture considerably. The subordination of part to whole, it would seem, becomes nothing short of radical. If the analogy is taken in a straightforward way, individuals and sub-political associations such as families and churches become merely parts of a larger whole, and their legitimate operations are understood primarily, if not exclusively, with reference to those of the state. On this reading, it is the good of the state that defines the good of its constituent parts, i.e. individual and familial flourishing are defined in terms of the perfection or completion that the political community itself embodies.

Such a strong reading does not immediately appear to be other than what Aristotle, and following him, Aquinas, intended. There are, of course, resources within both of their writings to qualify or question such a reading, but commentators on both theorists have had difficulty coming to terms with the rather blunt doctrine that “individual human beings are related to the whole political community like the parts of a human being to the human being.”<sup>2</sup> This is a position which Aristotle initially propounds near the conclusion of his famous description of the city’s genesis in Book I of the *Politics*, and which Aquinas adopts without demur (if not without qualification). Yet, what exactly either of them intend by the metaphor is not immediately clear, either from Aristotle’s infamously terse treatise or from Aquinas’s largely straightforward commentary. Nevertheless, Aquinas’s brief comments on the *Politics* do begin to complicate his view of the body metaphor. In particular, his reference to a specific interpretive point in Aristotle’s *Metaphysics* incorporates a philosophical background that

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<sup>2</sup> Thomas Aquinas, *Commentary on Aristotle’s Politics*, trans. Richard J. Regan, (Cambridge: Hackett Publishing Co., 2007). I, 1, n. 22. Note that the chapter divisions of Aquinas’s commentary do not follow standard divisions of Aristotle’s *Politics*. Except when otherwise noted, Regan’s translation is used throughout this text.

richly develops his understanding of the ‘body politic’ and its relationship to its constituent parts. In order to explicate these metaphysical points and develop their significance to Aristotelian-Thomistic political science, I will do the following: First, explain the complexity that emerges in Aquinas’s brief use of the body metaphor in his first *lectio* on Aristotle’s *Politics*; second, review more specifically what Aquinas says about part – whole relationships in his comments on the priority of the city; third, explicate the metaphysics of part – whole relationships in Bk. Z of the *Metaphysics*, which Aquinas references in his commentary on the *Politics*; fourth, supplement this metaphysical discussion with further comments Aquinas makes about the nature of the political whole in his commentary on the *Nicomachean Ethics*; and finally, bring this metaphysical background to bear in filling out the picture of the city and its parts—in particular the city’s priority over individuals and families—which Aquinas only sketches in the *Commentary on Aristotle’s Politics*.

#### **COMPLEXITY IN AQUINAS’S BRIEF USE OF THE BODY METAPHOR**

In his first lecture on the *Politics*, Aquinas tackles the steep “Aristotelian ascent” from the most elemental parts of the city to their “perfection” within the political whole. During the course of this discussion, Aquinas employs the body metaphor in three distinct ways, and, interestingly, his first usage occurs in a context in which Aristotle himself does not employ the metaphor. After arguing that the city naturally comes about through a progression in human associations, Aristotle makes the closely related claim that man himself is a political animal.<sup>3</sup> Aquinas notes that this definitional thesis encounters a potential difficulty: whereas all things have the things that are natural to them, not all human beings dwell in cities.<sup>4</sup> Both Aristotle and Aquinas think that those

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<sup>3</sup> I.2, 1253a2.

<sup>4</sup> n. 20.



unable by nature to live in the city, or those naturally self-sufficient without it, should be thought of as not fully human—either bestial or divine, respectively.<sup>5</sup> But what of those many misfortunates who are forced to live apart from their cities due to exile or poverty (e.g., farmers and shepherds)? This does not disprove the thesis, Aquinas argues, since misfortune often deprives men of other things that we easily recognize to be natural to them, as when one loses a hand or an eye.<sup>6</sup> On this picture, an individual cut off from his city is like a maimed man, missing something natural and very important to his wholeness, but nevertheless the same being. As Aquinas uses the body metaphor here, the human person is the body and his political nature (if not the city itself) is the appendage.

This corporal part-whole relationship is reversed almost immediately as the discussion shifts to the natural priority of the city over its constituent individuals and families.<sup>7</sup> Aquinas makes slightly more explicit two distinct versions of the body metaphor that, in this case, Aristotle himself seems to have in mind. In the first case, the city's priority as a whole follows from the fact that parts are defined by their "operation and power" within the whole. When a body is destroyed, its foot, inasmuch as it no longer retains the ability of perambulation, is no longer called a foot in the same way. It may still be equivocally referred to as a "foot," but inasmuch as it no longer fulfills the

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<sup>5</sup> Aquinas is more explicit than Aristotle that the hypothesized self-sufficient divinity is only *of a sort*. *Si vero nullo indigeat, et (sit) quasi habens per se sufficientiam, et propter hoc non sit pars civitatis, est melior quam homo. Est enim quasi quidam Deus.* (All Latin text from <http://www.corpusthomicum.org/>). In fact, his specific examples of self-sufficiency, John the Baptist and Anthony the Hermit, presuppose the intervention of divine grace, not a demigod status, strictly speaking. This is significant inasmuch as it in fact posits divine intervention when "god-like" individuals are able to live self-sufficiently apart from the city. For Aquinas, this obviously qualifies the degree of difference he finds reasonable between the civic-minded gentleman and the philosopher. Aristotle's own view of this is, of course, much in dispute. For a very helpful exchange on the division between the active and philosophical lives in Aristotle, see the APSR exchange of Robert C. Bartlett and Mary Nichols. Robert C. Bartlett, "Aristotle's Science of the Best Regime," *The American Political Science Review* 88, no. 1 (March 1, 1994): 143-155; Mary P. Nichols, and Robert C. Bartlett, "Aristotle's Science of the Best Regime," *The American Political Science Review* 89, no. 1 (March 1, 1995): 152-160.

<sup>6</sup> n. 20. "...puta, cum alicui amputatur manus, vel cum privatur oculo." There is an erratum in Regan's translation here: "(e.g., when one loses a hand or is deprived of food.)"

<sup>7</sup> I.2, 1253a18

same definitional criteria, it is a different thing. So the picture here is one of a dead body whose appendages can no longer function as part of the whole. Because the whole changes, the parts do as well.

Aristotle supports this argument by referring again to the vulnerability of individuals. “For if no individual is self-sufficient when isolated, he will be like other parts in relation to their whole,”<sup>8</sup> upon which Aquinas comments, “But individual human beings are related to the whole political community like the parts of a human being to the human being. For, as hands and feet cannot exist apart from a human being, so neither is a human being self-sufficient for living apart from a political community.”<sup>9</sup> With this argument the body metaphor shifts again back to the picture of a severed hand. Individuals separated from the city are like hands or feet that cannot exist {non potest esse} if separated from the whole.

Notice that Aquinas employs the body metaphor to describe three distinct (and not obviously compatible) kinds of part-whole relationship. In both the first and third cases, the state of the individual cut off from the city is being considered, but the way that Aquinas employs the body metaphor in each is precisely reversed. In the first instance, a man removed from his city by misfortune is like one who has lost a hand or eye. In the third instance, the exile is like a severed hand without its body. Clearly, the priority relationships entailed by this analogy seem to be running in opposite directions. The picture is complicated by the second case, which contemplates the destruction of the whole rather than a removal of a part. In this case, the picture is of a corpse whose lifeless limbs are only what they once were in an equivocal sense.

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<sup>8</sup> Ibid., 1253a25. The Revised Oxford Translation by Benjamin Jowett makes the logical point here explicit: “The proof that the state is a creation of nature and prior to the individual is that the individual, when isolated, is not self-sufficing.” *The Complete Works of Aristotle, Politics*, ed. Jonathan Barnes, vol. 2, (Princeton: Princeton University Press, 1984), 1988.

<sup>9</sup> n. 22.

The difficulties present in these diverse pictures are perhaps mitigated by noting a conceptual distinction among the three cases. In the first two cases, the concern is definitional, but in the last the point concerns sufficiency for existence. In the first case, Aquinas employs the body analogy in determining whether man can be defined as a political animal. In the third case, by contrast, the question is not one of definition, but of simple existence. Can a man survive apart from the city? Because the answer to this question is “No” (with very limited exceptions), we can conclude that man exists as part of the city (i.e., a part-whole relationship is established). However, this simple physical dependence does not solve the definitional questions at issue in the first two cases. In what way is the city a whole? If it were an absolute whole, it would be entirely inapt for Aquinas to suggest the body metaphor as he does in the first case since inability to exercise political capacity would not maim a man; it would destroy him. On the other hand, if it is a fundamental insufficiency which establishes man as a part in the larger political whole and it is the ability of a part to function within the whole that makes it what it is, man must be fundamentally defined in terms of his role within the city. If man’s highest sufficiency and perfection occurs within the political community, it would seem that his definition as a part of the whole would govern what it is to be ‘man’.

It seems evident, therefore, that even in his affirmation of Aristotle’s body metaphor, Aquinas provides conceptual resources both to qualify the strong view of the city’s primacy which it appears strongly to entail and to sort out the complexity of the diverse and intertwined relationships among individuals, families, and the city. Notwithstanding, it seems that most Aristotelian scholars have either simply affirmed the strongest version of civic priority in the body metaphor or have simply dismissed it (and other of his basic political theses) as so much misbegotten metaphysical speculation. For example, Ernest Barker interprets the organic character of the state to mean that for

Aristotle “its life must be the life in which they all partake, and by partaking in which they have any life of their own.” The individual “has no meaning or existence except as sharing in its life.”<sup>10</sup> Inflexible readings such as this one have led scholars like David Keyt to conclude that Aristotle’s most basic propositions about the city (i.e., that the city is natural, that man is a political animal, and that the city is prior to the individual as whole to part) simply collapse into inconsistency and contradiction.<sup>11</sup> In contrast, a more nuanced view is offered by Trevor Saunders, who attempts at once to recognize the “formal priority” of the city, while taking the function argument entailed in the body metaphor to mean simply that the city enables the full functioning of individuals and families.<sup>12</sup> The very real difficulty that Saunders evades, however, is that given the formal priority of the city, what the function of the individual and family is *is defined* by the political whole. “Enabling” the functioning of persons and families might as easily be described as subsuming them if there is not a clear way to show that the formal priority of the city has definitional limitations. Richard Kraut, too, is unsure of what to make of the priority relationships in Aristotle’s part-whole description of political community. The upshot of his analysis is that Aristotle’s priority thesis should be taken simply as an ethical one, i.e. the city is by nature prior to each individual because its good is greater than the good of any single one of its citizens. Kraut thinks that this kind of “ethical priority” stands on its own merits, despite the success or failure of the “bizarre” metaphysical doctrines contained in the part-whole relationships of Aristotle’s body

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<sup>10</sup> Ernest Barker, *The Political Thought of Plato and Aristotle* (New York: Dover Publications, 1959), 277–278.

<sup>11</sup> David Keyt, “Three Fundamental Theorems in Aristotle’s ‘Politics’” *Phronesis*, vol. 32, No. 1 (1987), 54–79. For a similar view, see Bernard Yack, *The Problems of a Political Animal: Community, Justice, and Conflict in Aristotelian Political Thought*, (Berkeley: University of California Press, 1993), 88–108.

<sup>12</sup> Aristotle, *Politics: Books I and II*, trans. with commentary by Trevor J. Saunders, (Oxford: Clarendon Press, 1995), 70–71.

metaphor.<sup>13</sup> The problem with this reading is that, in a way similar to Saunders, it prescind from far-reaching implications of the part-whole relationships with which Aristotle frames his analysis.

In contrast, Aquinas's treatment of the part-whole relationships in political community take the metaphysics of Aristotle's treatise very seriously, while not falling prey to the absolutist implications given full force in Barker's reading. Thus, he is able largely to avoid what so many scholars have found both interpretively problematic and normatively objectionable, viz. a political organicity that entirely subsumes subpolitical associations. As we have already seen, Aquinas understands and employs Aristotle's body metaphor in a way that indicates a high degree of complexity in the relationship between the political community and its constituent parts. Based on this, it seems that any sufficient account will have to include priority in some sense running in both directions—the city as prior to its parts, and man as prior to the city. But what kind of priority does the whole possess? And what kind of priority might a part have? While still mainly suggestive in his comments, Aquinas incorporates additional theoretical resources to answer these questions in his commentary on Aristotle's presentation of the city's priority as whole to part. It is to a closer examination of that commentary that I now turn.

#### **AQUINAS'S COMMENTARY ON THE PRIORITY OF THE CITY**

Aristotle's account of the genesis and nature of political community in the opening chapters of the *Politics* advances three basic propositions: (1) The polis exists by nature, (2) man is a political animal, and (3) the city is prior to the household and to each individual.<sup>14</sup> The focus of this analysis is on the third proposition, but it has bearing on

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<sup>13</sup> Richard Kraut, *Aristotle: Political Philosophy*, Founders of Modern Political and Social Thought (New York: Oxford University Press, 2002), 4.

<sup>14</sup> *Politics*, 1.2. For a helpful analysis of these three propositions, see David Keyt, "Three Fundamental Theorems in Aristotle's 'Politics'" *Phronesis*, vol. 32, No. 1 (1987) pp. 54-79.

the other two, of course, inasmuch as these propositions are interconnected. The particular character of the political community's naturalness, and precisely what that nature is, will affect how its priority should be understood. As Yves Simon observes, "Every problem relative to the meaning and the rank of the common good depends on the answer given to the question: in what way does society exist, in what way is society something real?"<sup>15</sup> Conversely, clarification about the city's priority, which presses us to explore and clarify different kinds of part-whole relationship and priorities, may illumine specifics about its nature.

As is well known, Aristotle begins with the most basic human associations as they develop within the household, and then seeks to demonstrate how their insufficiencies compel men beyond the family to form groups of families (the village), and from there the political community. Throughout this generation of the complete association, men are motivated first by material and physical needs necessary for survival, but also by the rationally driven desire to live well. From the earliest stages of human association, human rationality motivates discussion about living well by distinguishing the advantageous from the harmful, the good from the bad, the just from the unjust. Association in this fundamentally rational pursuit, Aristotle contends, defines the essence of familial and political association. However, insofar as the political community draws families into a fully sufficient or complete partnership in this kind of life, it is the end at which human desire for the good life is aimed.<sup>16</sup> As Aquinas understands this point, "[A]ll human beings have a natural drive for the association of political community, just as they have for the virtues."<sup>17</sup>

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<sup>15</sup> Yves R. Simon, *The Tradition of Natural Law: A Philosopher's Reflections*, ed. Vukan Kuic (Fordham University Press, 1999), 106.

<sup>16</sup> *Politics*, I.1-2, esp. 1253a15-17.

<sup>17</sup> n. 23 "...in omnibus hominibus inest quidam naturalis impetus ad communitatem civitatis sicut et ad virtutes."

This brings Aristotle to the conclusion that the city is naturally prior to the family and individuals, as a whole is necessarily prior to its parts. As we previously reviewed, this priority is illustrated by the body's definitional priority to its members; when their function or ability to function is lost, body parts are not, strictly speaking, the same thing. As Aquinas puts it, because the defining logic {ratio definitiva} of the part has altered, it is only equivocally called the same thing.<sup>18</sup> Aristotle reiterates that this part-whole relationship follows from the insufficiency of individuals to live apart from the city. Because individuals are dependent upon the city, they necessarily exist as parts whose function is understood in terms of that larger whole.<sup>19</sup>

We have already noted that Aquinas's gloss on this argument clarifies two interestingly different uses of the body metaphor that are less evident in Aristotle's text (though still present). Even more important, Aquinas introduces a distinction in explicating this passage which Aristotle does not himself employ. This kind of interpretive interpolation is unusual in Aquinas's commentary on both the *Nicomachean Ethics* and the *Politics*. In the main, he confines himself to logically and dialectically organizing Aristotle's text in a rather straightforward fashion. So despite his terseness, it behooves the reader to give careful attention to a distinction he thought necessary to an accurate understanding of Aristotle's argument.

The distinction is as follows: The relationship between part and whole as it applies to the political community has a particular character. "The whole is necessarily prior to the part in the order of nature and perfection. But this must be understood about the part of matter, not the part of species, as is shown in the seventh book of the

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<sup>18</sup> n. 22.

<sup>19</sup> 1253a18-28.

*Metaphysics*.<sup>20</sup> What he means by this becomes clearer as the argument progresses.

Aquinas briefly elaborates the distinction after discussing the part - whole relationships of the human body:

And the same reasoning applies to other such parts that we call material parts, in the definition of which we posit the whole, just as we posit circle in the definition of semicircle, since a semicircle is one half of a circle. (But such is not the case with the parts of a species, which we posit in the definition of a whole, as for example, we posit lines in the definition of a triangle.)<sup>21</sup>

The distinction Aquinas introduces here is one between material parts and parts of a species. The former, as becomes evident in the body metaphor, are posterior to the whole inasmuch as what they are is understood with reference to the definition of the whole. Although such parts are prior in the process of generation (Aquinas says), they are posterior insofar as their essential definition depends upon the nature and operation of the whole. A foot is a limb enabling an organic body to walk. Therefore, what the human person is has precedence over what the foot is insofar as a foot's function—i.e., perambulation—is understood as an activity of the whole. Feet enable a body to get around; walking is not an activity that they perform in isolation. On the other hand, with parts of a species (which I will call special parts) the part-whole priority is reversed. In this case, the parts are posited in the definition of the whole, rather than vice versa; the whole is understood and defined in terms of what the parts are. It is the nature of a thing's

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<sup>20</sup> n. 22. Author's translation. "Necesse est totum esse prius parte, ordine scilicet naturae et perfectionis. Sed hoc intelligendum est de parte materiae, non de parte speciei, ut ostenditur in septimo metaphysicae." It is worth noting that Regan renders this passage (in part), "But we should understand this regarding the matter, not the form, as the *Metaphysics* shows." The most important difference is that he translates 'species' as 'form.' There is perhaps some support for this, given that Aquinas says there is a way of speaking about species in which it is identified with form {forma}. Translators of Aquinas's commentary on the *Metaphysics*, as well, often render 'species' as 'form'. In my view, however, this is a serious mistake. As I will argue, both in this passage and in the referenced portions of the *Metaphysics*, Aquinas develops a substantive distinction between the concepts of 'species' and 'form' and incorporates it into his political commentary. This is, in fact, the essential metaphysical distinction in the sections of the *Metaphysics* he references here. Thus, to render 'species' as 'form' distorts the primary philosophical issues, and I would argue *meaning*, of the passage.

<sup>21</sup> Ibid.



special parts that informs our understanding of what the whole thing is. Therefore, the logic of straight lines, as well as the other requisite special parts of a triangle, take definitional priority in specifying the essence of the whole triangle, i.e. saying what a triangle is.<sup>22</sup> Thus, Aquinas introduces a distinction in which the priority of the part-whole relationship is reversed depending upon what kind of part is under consideration. The immediate point to be drawn from Aquinas's comment, therefore, is that wholes are not simply prior to their parts. There are different kinds of parts and wholes, and in order to understand the priority relationships among them, we must understand the nature of the elements under consideration and—just as importantly—the various ways that a single thing may be considered.

After reiterating this distinction, Aquinas proceeds to affirm that a whole is prior to its material parts, and that because a man is not adequate for life apart from the political community, he is related to his city as a body part is related to the whole body. It appears, then, that Aquinas returns to a simple and straightforward affirmation of the body metaphor, in a way that underscores the potentially radical subordination of individuals and families to the political whole. Of course, as we have seen, he has already employed the body metaphor in a way that calls this conclusion into serious doubt. Indeed, the first snapshot he gives us implies a definitional priority running, not from city to man, but from man to city. Yet here the relationship is reversed, and the evidence establishing political priority is direct. This serves to draw our attention again to the distinction Aquinas has (briefly but repeatedly) introduced in order to ensure that it informs the passage as he intends.

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<sup>22</sup> This is not to say that the form of the whole triangle is posterior in defining its essence, just that the special parts play a role in that process and, in a sense, constrain or pre-form the whole's final form. Obviously the relationship between the species and form is a complicated one, and I will attempt to clarify the details after we deal with the *Metaphysics*.

The primary interpretive question here seems to be whether Aquinas wishes the reader to infer or incorporate any substantive content about the special parts of the city. Aristotle's argument has moved from part to whole, incomplete to perfect, highlighting throughout how both inadequacies and aims of every other human association achieve fulfillment in the city. This ascent is summarized with a powerful statement of the wholeness and priority of the city, yet Aquinas glosses it by highlighting a limitation to that priority. Although he does not state what the special parts of the city are, his distinction serves to qualify the priority that Aristotle asserts. Aquinas reminds us that the logical priority of a whole, from which Aristotle reasons, only applies to its material parts. Now, this may be taken simply as a logical point Aquinas makes in passing, similar to his observation that animals that mimic human speech lack understanding and thus do not disprove the uniqueness of human language.<sup>23</sup> The simply logical point is that this kind of priority to material parts is the only thing Aristotle *could mean* because other part-whole relationships do not necessarily entail priority of whole to part. However, such an observation seems entirely superfluous given the body analogy which frames Aristotle's argument. There is no reason to infer anything *but* a whole's priority to its material parts from the analogy. Given that families and individuals are likened to body parts, which are definitionally posterior to their whole, there is no reason in the context of Aristotle's argument to illicitly infer, or even consider, that a species might be prior to its parts. Clearly, then, Aquinas takes this qualification to be an important one to a correct understanding of the priority of the city. In particular, he wishes the reader to incorporate an understanding of the way in which wholes are not prior to their parts, but are in fact subsequent to them. Additionally, it seems necessary to ask if Aquinas is assuming or suggesting a relationship between material and special parts. It is, after all, an account of

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<sup>23</sup> n. 21

the city that Aristotle has been after. In arriving at this conclusion that families and individuals are material parts of the city, what can we also infer about the special parts of the city, i.e. those definitional parts that go into our account of what the thing is? This question directs our attention to another aspect of Aquinas's comments here that both clarifies and complicates his understanding of the metaphysics of the city.

It is not insignificant that Aquinas contrasts material parts with parts of a species. Given the fundamental role that matter and *form* play in Aristotle's metaphysics, contrasting parts of matter and form would perhaps be the most natural distinction (with, it should be noted, the same meaning insofar as it relates to the priority of part and whole, i.e., the parts of a form are prior to the whole form in the same way that the parts of a species are prior to the whole).<sup>24</sup> Indeed, some translators of Aquinas regularly render his use of 'species' as 'form'. Thus, Richard J. Regan translates the passage we've been discussing thus: "But we should understand [the whole's necessary priority] regarding the matter, not the form..."<sup>25</sup> However, Aquinas uses the word 'species' here; the whole is prior to the 'pars materiae', not the 'pars speciei'. The importance of this conceptual choice is highlighted by a distinction Aquinas made shortly before this in his comments on the naturalness of political community. Commenting on the proposition that the end of natural things is their nature, Aquinas says this,

We say that the nature of each thing is what belongs to it when its coming-to-be is complete. For example, the nature of human beings is the nature that they possess after they have completely come to be, and the same is the case with horses and houses, although we understand the nature of a house by its *form*.<sup>26</sup>

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<sup>24</sup> For Aquinas's distinction between the form and its parts, see Thomas Aquinas, *Commentary on Aristotle's Metaphysics [Aristotelian Commentary Series]*, trans. Richard J. Blackwell, Richard J. Spath, and W. Edmund Thirlkel, 1st ed. (Notre Dame, IN: Dumb Ox Books, 1995), nn. 1482–1483.

<sup>25</sup> n. 22.

<sup>26</sup> n. 18. "...tamen natura domus intelligatur *forma* ipsius." Emphasis mine.

Aquinas is careful to specify that the nature of a house, a fully artifactual thing, is understood by its form. This is in contrast to natural organisms, such as man and horse, whose nature is understood by their *species*, a concept Aquinas uses to explain the necessary conjunction of matter and form in essentially composite beings. Therefore, it seems clear that Aquinas wishes readers to take note of the metaphysical particularities of the *kind* of thing he takes the city to be. In contrast to those things whose nature can be understood solely in their form—form imposed on matter—the whole that is the city should be understood as a species, i.e. an essential composite of matter and form. Now, obviously this characterization of the city as a species is of a piece with the body metaphor. Human bodies are instances of a species (in this metaphysical sense). However, the distinction between ‘forma’ and ‘species’ that Aquinas makes in the course of commenting on the nature and genesis of the city is an important indicator, it seems to me, of a way in which he thinks the analogy may be helpfully developed. In other words, given that the analogy of the ‘body politic,’ like all analogies, is of limited usefulness, one must determine in what ways it usefully describes the nature of political community and in what ways it does not. In what ways is the city like a human body? In these distinctions between form and species and between material and special parts—which he includes in a commentary not notable for its additions to Aristotle’s line of thought—it seems clear that Aquinas takes the analogy to be helpfully developed along these lines. In order to test this thesis, however, it is necessary to look more carefully at the discussion in the *Metaphysics* that Aquinas references, and particularly his own commentary on the same.

#### **THE NATURE OF PART – WHOLE RELATIONSHIPS IN METAPHYSICS Z.10-11**

Let me begin with an overview of the primary issues that structure this discussion. Beginning with chapter 10 of Z, Aquinas asserts that “here the Philosopher’s aim is to

expose the principles of which a thing's quiddity is composed."<sup>27</sup> In other words, Aristotle wants to explore the basic criteria by which a thing's essence is specified, i.e., how we go about saying what a thing is. Pursuant to this basic aim, Aquinas identifies a series of questions and distinctions which frame the inquiry. The first question turns on the distinction between material and special parts we have already discussed, to wit, is the *ratio* (or "intelligible expression") of a part included in the *ratio* of the whole?<sup>28</sup> This difficulty immediately follows the recognition that the parts of a thing and the parts of a thing's definition are not the same. For example, the segments of a circle, although they are parts of it, are not included in its definition. We do not define a circle as "two conjoined semicircles." [Material parts] Conversely, the parts of a syllable are included in its definition. Letters comprise a syllable just as circle segments make up a circle, but they are also part of what we understand the essence of a syllable to be. A syllable is defined as a sound composed of letters. Thus, the definition of a syllable includes the ratio or definition of its letters. This initial observation, then, requires that we distinguish between the parts of a thing and the parts of its definition. They are related, Aquinas says, insofar as definitional parts are derived {sumuntur} from the parts of a thing [strictly material parts]<sup>29</sup>; however, not every part of a thing is included in its definition. Therefore, in each case it is necessary to ask whether the *ratio* of the part is included in the *ratio* of the whole.

Aquinas structures his own discussion of this question around what he takes to be an interpretive divide in Aristotelian commentary. He notes that "there are two opinions about the definitions of things and their essences." On the one hand, some argue that the whole essence of a species is the form, and thus there are no material parts given in the

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<sup>27</sup> n. 1460

<sup>28</sup> n. 1461

<sup>29</sup> n. 1463

definition of a species. In other words, the *ratio* of the whole never contains that of its material parts; only formal principles define the essence of a thing. This opinion Aquinas attributes to the Averroists,<sup>30</sup> but he does not take it to be the position of Aristotle. In opposition to the Averroists, Aquinas maintains that Aristotle did indeed include sensible matter in the essence of some natural substances. Form alone does not define the essence of an organic body, for example. Instead matter is necessarily included in the definition or essence of the thing.

Based upon what we have already seen, a difficulty arises at this point. In his commentary on the *Politics*, Aquinas spoke of material parts simply as parts which are defined in terms of the whole. Here he raises the possibility of material parts which are part of the *ratio* or essence of their whole, the reverse of what he said previously. This difference turns on a further distinction between particular and universal matter which is pivotal to Aquinas's quarrel with the Averroists and to his final explanation of the relationship between matter and essence. In turn, this distinction between particular and universal matter underwrites a crucial difference between form and species that clarifies the metaphysical status of corporeal beings (and ultimately, I will argue, of the political community). So, in explicating Aristotle's exploration of the relationship between the *ratio* of parts and the essence of wholes, Aquinas emphasizes conceptual distinctions between particular and universal matter and between the form and species of a substance.

Aristotle's second basic question, closely related to the first, concerns the priority relationships among parts and wholes. As was already evident in the commentary on the *Politics*, different kinds of part-whole relationships entail different priorities. Here again the Averroist / Thomistic divide entails disparate results. Priority relationships become particularly complicated on Aquinas's account of species and form, culminating in a

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<sup>30</sup> n. 1467

series of part-whole relationships in which it is “necessary both to say and not to say” that the parts are prior to the whole.<sup>31</sup> As I will argue, the priority of parts which Aquinas affirms is ultimately much stronger than the simple priority of part to composite which even the Averroists can affirm.<sup>32</sup> Finally, difficulties with this account are pursued further in Chapter 11. Given that matter can be a part of the species, what material parts should be taken to be special parts? How do we identity the “specifying principle” {ratio speciei} of an object? Answering this question puts particular weight on the distinction and relationship between species and form, and Aristotle (as Aquinas reads him, at least) turns to probe these complex concepts further.

Disentangling this intricate set of issues is not an easy task. It is worth noting at the outset that scholars continue to reach pointed disagreement over just the issue concerning which Aquinas finds the Averroists in error. David Bostock, for example, defends Aquinas’s basic position (apparently only coincidentally, however). While acknowledging that Aristotle’s text generates several apparent contradictions, he concludes that Aristotle clearly takes matter to be a part of some species.<sup>33</sup> However, S. Marc Cohen reaches the opposite conclusion. Despite Aristotle’s detailed exploration of the idea that some species include matter, Cohen concludes, “Nevertheless, Aristotle ends Z.11 as if he has defended the claim that definition is of the form alone.”<sup>34</sup> In the

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<sup>31</sup> n. 1500

<sup>32</sup> Aquinas explains this kind of simple priority thus: “For all parts seem to be prior to a whole as simple things are prior to what is composite, because an acute angle is prior to a right angle, since a right angle is divided into two or more acute angles, and in the same way a finger is prior to man.” n. 1464. The point seems to be that parts enjoy a kind of priority insofar as they are what a whole is made of. The significance of this only seems to be that it recognizes a basic logical necessity of material parts to the whole. The whole must be made of something.

<sup>33</sup> Aristotle, *Metaphysics: Books Z and H*, trans. David Bostock, Clarendon Aristotle Series (Oxford: Clarendon Press, 1994), 146–47. Bostock argues that the interpretive key to the passage is to give careful attention to whether or not Aristotle is speaking of a particular or universal matter/form compound.

<sup>34</sup> S. Marc Cohen, “Aristotle’s *Metaphysics*,” *Stanford Encyclopedia of Philosophy*, June 9, 2008, <http://plato.stanford.edu/entries/aristotle-metaphysics/>.

discussion here, the interpretive difficulties are eased somewhat by the fact that Aquinas is clearer about his position than Aristotle can be said to be (although Aquinas takes himself to be articulating the genuine Aristotelian position), but meticulous attention to detail is still necessary to even a minimally sufficient reconstruction of Aristotle's argument. Let us turn, then, to unpack the arguments.

A number of important terms and distinctions readily surface with the question "Is the *ratio* of the part present in the *ratio* of the whole?" In the first place, 'ratio' is tightly clustered with the concepts of 'definition' and 'essence'. "Every definition," Aquinas explains, "is the intelligible expression {ratio} of a thing, i.e. a certain combination of words arranged by reason." As such, a definition "must convey a distinct knowledge of the principles which come together to constitute a thing's essence."<sup>35</sup> A definition, then, is a rational expression of a thing's essence. It is also a formulation of a thing's substance insofar as the parts of a definition signify {significant} a thing's substance.<sup>36</sup>

Secondly, to rephrase a point already made, Aristotle's basic question presupposes a difference between the essence of a thing and the thing itself. The essence of a circle does not simply correspond to the parts of which it is comprised. Rather, Aquinas describes the relationship as one of derivation, i.e. parts of a definition are derived {sumuntur} from the parts of the thing, but there is not an identity between them.<sup>37</sup> If there were an identity, any alteration whatsoever in the thing itself would change its definition or essence—the 'quod quid erat esse'.<sup>38</sup> (This touches on the

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<sup>35</sup> n. 1460.

<sup>36</sup> n. 1471. Aristotle's discussion from ... considers substance as essence. The concept of substance, however, is broader than that of essence, including universals, genus, and substratum. "The word 'substance' is applied, if not in more senses, still at least to four main objects; for both the essence and the universal and the genus, are thought to be the substance of each thing, and fourthly the substratum." Z.3.

<sup>37</sup> n. 1463.

<sup>38</sup> n. 1491. Literally, the "that which it was to be," Aquinas's Latin transposition of the Aristotelian term for essence.



fundamental metaphysical problem addressed by Aristotle's general theory of form and matter: How is the identity of an object maintained in the face of change?) So the question is: What of the thing itself do we take to be a part of its defining essence?

In order to answer this, Aristotle reasons, we have to specify more clearly what we mean by "defining essence." We might speak of the substance of a thing in terms of several parts: its form, its matter, and a composite of these two. Each of these is a 'part' of substance and may be considered itself as substance.<sup>39</sup> (Note that thus far we have distinguished between definitional parts and parts of a thing itself. Here Aristotle specifies another way of differentiating the parts of a thing, i.e. according to parts of substance.) This tripartite division leads us to say that in one sense matter is a part of a thing, and in another it is not. Aristotle adduces a snub nose in illustration. The flesh of the nose comprises the matter of a snub nose, and concavity is its form. Now, we would not want to say that flesh is a part of concavity, but rather that the form of concavity is produced in the nose's matter. In this way, as a snub nose is considered according to its form, matter is not a part of it. On the other hand, in some cases substance is spoken of as essentially composite. Flesh *is* a part of 'snub' if we take it as a composite. In this case the form 'concavity' is not simply imposed on flesh, but the object under consideration, i.e., snub, is taken essentially to be the concavity *of a nose*. 'Snub' (or 'snubness'), therefore, is a composite of form and matter, and matter is a part of its essence. The natural compositeness of 'snubness' is highlighted when juxtaposed with other conjunctions of matter and form. A bronze circle, for example, appears to be most aptly described as an imposition of form (rotundity) on matter (the bronze). There is nothing intrinsically bronze about circles (as there was nothing essentially fleshy about curvature). They are as easily produced in wood as in bronze—in sand, on paper, etc. In

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<sup>39</sup> n. 1472. *Metaphysics* 1035a1.

order for the bronze circle to be essentially composite, it must be considered under the aspect ‘bronze circle’. Yet, we can see that the compositeness of ‘snub’ is different; it naturally arises from consideration of the kind of thing that a snub nose is. It is the particular shape of a particular bodily appendage.<sup>40</sup>

In identifying basic metaphysical composition of things, therefore, we must be careful to understand what is the ‘specifying principle’ or ‘logic of the species’ {ratio speciei<sup>41</sup>} of the object under consideration. Is it the form alone or an essential composite of form and matter? Aquinas expresses the notably abstract answer in this way: “that which fits or agrees with each thing insofar as it has a species pertains to the species.”<sup>42</sup> He illustrates this by noting that it is fitting {convenit} for something with the species of a statue to have a shape {figuratum} or some such quality.

Although determining what is “fitting” to a species is less than plain, Aquinas does delineate more clearly the metaphysical categories whereby matter is taken to be essential to a composite’s species. In the first place, the distinction between ‘form’ and ‘species’ becomes paramount. ‘Species’ can be taken in two senses, Aquinas explains. In the first, it is considered simply as ‘form’, and the species of a thing may refer simply to its form.<sup>43</sup> In this way, we would say that bronze is not a part of a statue’s ‘species’.<sup>44</sup>

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<sup>40</sup> Nevertheless, we must still add this proviso, “provided that snub is understood to be a composite and not merely a form” (n. 1472). So, even though ‘snub’ appears to be naturally an essential composite, it is possible to describe its substance solely in terms of form—just as it is possible to consider ‘bronze circle’ as a composite, rather than a non-essential impression of form in matter. The key thing, then, is to clarify the ‘ratio speciei’ of the thing under consideration.

<sup>41</sup> Aquinas indicates that the ‘ratio speciei’ is “out of” or “from” {ex} the form (ibid.). What exactly this means will become clearer in the discussion to follow of the relationship between ‘species’ and ‘form’. Suffice it to say here that whereas form apparently has significant bearing on the ‘ratio speciei’, it is also importantly distinguishable insofar as composite things are not essentially understood simply in terms of their form.

<sup>42</sup> n. 1473. “...dicendum est illud ad speciem pertinere, quod convenit unicuique inquantum speciem habet.” Author’s translation. He illustrates this by noting that it is fitting {convenit} for the species ‘statue’ to have a shape {figuratum} or some such quality.

<sup>43</sup> n. 1473. In the immediately preceding comment (n. 1472), Aquinas had largely used ‘forma’ and ‘species’ synonymously (save for his use of ‘ratio speciei’), prompting some translators to interchange the terms throughout the commentary on Z.10-11. However, given that Aquinas is insisting on an important

However, ‘species’ may also be taken in a universal sense, i.e. as a logical category denoting an essence common to a kind of thing, rather than as a certain metaphysical component of a thing (i.e., form).<sup>45</sup> Aquinas takes Aristotle to hold that in this second universal sense it is possible for matter to be part of a species. No matter of any kind is part of the form {forma}, of course, but common matter may be part of the universal species. This necessitates a further distinction between common and individual matter. Common matter (considered universally or logically) is an essential part of the universal species of composites; in contrast, individual matter (i.e., *this* particular matter) receives the nature of the species. It is interesting to note that individual matter stands to the universal species in a way similar to that in which matter stands to form. Individual matter *receives* {accipitur} the nature of the species, which is itself defined in terms of common matter. This follows from a distinction between the universal and the particular composite. The flesh of *this particular* snub nose, for example, instantiates the species of the universal ‘snub’, which we take to be essentially composed of a nose. As such, *this flesh* is a (strictly) material part of this particular whole, but at the same time the whole has (universal) material parts, i.e. ‘nose flesh’ which comprise part of the ratio of the universal species.

So Aquinas brings ‘species’ to the fore here as a definitional category descriptive of the essence of natural composites. Most important to this discussion, it is a category that allows material parts of a thing to be included in its *ratio* or definition. *This* matter or *this* nose is not an essential component of ‘snub nose’, but as a composite thing, ‘snubness’ is essentially defined as the curvature *of a nose*. It is not *this* particular nose,

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difference between species and form, which is, in fact, the key to his rejection of the Averroist position, interchanging the terms is a crucial error.

<sup>44</sup> n. 1472. “...non autem est pars statuæ secundum quod statuæ accipitur solum pro specie, idest pro forma.”

<sup>45</sup> n. 1473

but ‘nose’—a kind of common matter—which is part of the species ‘snubness’. Or to put it in our previous terms, the *ratio* of ‘nose’ is part of the *ratio* of ‘snub’ inasmuch as the composite whole presupposes the nature of the (universal) material part. ‘Snubness’ includes the nature of ‘nose’, and thus matter is a part of the definition of the thing. Consequently, in defining the principles that comprise a thing’s essence, Aquinas does not take Aristotle to rely on form alone, at least not for natural substances. In these cases, saying *what the thing is* requires that the thing’s materiality be taken into account. Composite substances cannot be adequately described simply as form imposed on matter; rather the matter itself is, literally, of essence.

This brings us to Aristotle’s second basic question in this exploration of essence according to part – whole relationships, i.e., how are parts prior to whole and vice versa? It is apparent now from the profusion of kinds of parts that the investigation has generated, and the several ways that we may wish to speak of the whole, that this is not a simple question.

The distinction between form and species continues to be significant. “All parts of a thing’s *ratio*,” Aquinas says, “must be prior to the thing defined, either all or some of them.” The reason for this possible limitation (“all or some of them”) turns on the distinction between formal parts and definitional or special parts. “Sometimes formal parts are not necessarily parts of the species, but relate to the perfection of a thing.”<sup>46</sup>

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<sup>46</sup> n. 1482. “non sunt de integritate vel necessitate animalis.” These statements indicate distinctions between parts of the *ratio*, formal parts, definitional (or special) parts, and (strictly) material parts. Aquinas says that not all parts of the *ratio* are prior to the thing defined because some formal parts are not special parts. Thus, we can take *perfective* formal parts to be included in a thing’s *ratio*. So *ratio* is coextensive with the perfective aspects of form, whereas definition or species stops short. In the other direction, since Aquinas makes clear that common matter is a part of the species (and ratio) of a thing—but never the form—*ratio* includes universal material parts. Thus, *ratio* embraces all special and formal parts, but these sets are not identical. Additionally, strictly (i.e., particular) material parts are neither part of the *ratio* or species of a thing (and, of course, not the form either). Finally, special parts seem to be simply a kind of definitional part. Notwithstanding these differences, *ratio*, species, and definition are often used interchangeably, but the terms still denote important differences that should be kept in mind. (See diagram in appendix)

Sight and hearing, for example, while being parts of the sentient soul, are not integral or necessary to the animal inasmuch as not every animal has these senses. Thus, some formal parts (though they are included in the thing's *ratio*) are not a part of its definition or species. As such, formal parts in particular are excluded from the conclusion [??] that "It is universally true that those parts which are given in the definition of something are universally prior to it."<sup>47</sup> We have already given some consideration to what such priority means. Here, Aquinas illustrates it by noting that "the *ratio* of a right angle is not worked out according to the definition of an acute angle, but the opposite."<sup>48</sup> In other words, the nature, logic, or rationale of the definiendum is understood according to the nature of its component definientia. An acute angle, i.e. any angle less than a right angle, is defined by using {utitur} a right angle. As we have seen, the same definitional relationship obtains between a semicircle and circle and a finger and man.

The discussion continues on from this point to an explanation in terms of the human body.<sup>49</sup> The soul of an animal is its substance, that is, "the form {forma} or specifying principle {species} or essence {esse} 'of such a body' {tali corpori} namely, of an organic body; for an organic body can be defined only by means of a soul."<sup>50</sup> The resulting priority relationships are identical to those we saw in the *Politics*: body parts are (1) definitionally posterior to the soul inasmuch as their defining operations are understood with reference to the function and operation of the whole body, (2)

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<sup>47</sup> Ibid., "Et sic universaliter est verum, quod illae partes quae ponuntur in definitione alicuius sunt universaliter priores eo."

<sup>48</sup> n. 1483. "non enim ratio recti anguli resolvitur in definitionem acuti, sed e converso." Author's translation.

<sup>49</sup> Aristotle, *Metaphysics*, trans. W.D. Ross, in *The Complete Works of Aristotle: The Revised Oxford Translation*, ed. Jonathan Barnes, vol. 2, Bollinger Series LXXI (Princeton, NJ: Princeton University Press, 1984), 1035b15–30; Aquinas, *Commentary on Aristotle's Metaphysics [Aristotelian Commentary Series]*, nn. 1484–1491.

<sup>50</sup> Ibid., n. 1484. It is not altogether clear for either Aristotle or Aquinas what "such a body" entails, and we will take that up later.

existentially posterior to the whole inasmuch as they cannot exist apart from it, (3) *prior* to the whole insofar as simple is to complex (i.e., complex things are made up of simple ones). “Nevertheless,” Aquinas concludes, “it must be borne in mind that this composite, animal or man, can be taken in two ways: either as a universal or as a singular.” ‘Man’ is the universal composite of which Socrates is the particular. Such universals, Aquinas argues, are not form alone, but are concrete wholes, composed of determinate universal matter and determinate universal form.<sup>51</sup> ‘Man’ means a being composed of body and soul. Thus Aquinas concludes that “it is clear that matter is a part of the species. But by ‘species’ here we mean not just the form but the essence of a thing.”<sup>52</sup>

Therefore, it seems clear that Aquinas (following Aristotle) wishes to qualify or nuance the immediately preceding description of the definition and priorities that obtain in natural substances. In that discussion form and species were equated and the material parts of a body were presented only as definitionally posterior to the form of the whole. However, this picture is modified by the distinction Aquinas recalls between particulars and universals. The distinction seems to require that the first account apply only to *particular* men. ‘Man’ as a universal is understood differently—most significantly, in terms of universal or common matter. Whereas the bodily parts of particular men are defined with reference to the form of the whole body, at least some material parts—taken universally—become special (or definitional) parts of the whole. Here ‘species’ is not

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<sup>51</sup> n. 1490. “Et ideo dicit, quod homo, et equus et quae ita sunt in singularibus, sed universaliter dicta, sicut homo et equus **non sunt substantia**, idest **non sunt solum forma**, sed sunt simul totum quoddam compositum ex determinata materia et determinata **forma**; non quidem ut singulariter, sed universaliter.” Aquinas takes Aristotle’s statement that universal composites “are not substance” to mean that they are not composed of form alone. Bostock corroborates this reading, arguing that “I see no alternative to the view that in this paragraph Aristotle is supposing that only *some* formulae are ‘of the form alone’, and others are of form and matter combined. ... For it is the *particular* compound that Aristotle wishes to say has no formula of its own (as is quite explicit at 35<sup>b</sup>31-36<sup>a</sup>8), whereas it must presumably be the *universal* compound that he is thinking of when he assumes that a compound does have a formula” (*Metaphysics: Books Z and H*, 149-150).

<sup>52</sup> n. 1491. See also ST, I, q. 75, a. 4

synonymous with ‘form’, but is instead taken in its universal sense. The upshot is that matter is taken to be a part of the definition or essence of ‘man’. But as definitional parts, it would seem necessary to say that man’s (common) material parts have a kind of priority over the whole *other than* the basic priority of simple to complex that Aristotle attributed to even strictly material parts. As we have discussed, definitional parts “work out” or explain the nature of the whole. They are prior inasmuch as what the whole *is*—its essence—is understood first by understanding the definitional part, and extending its logic into the logic of the whole. So, does common matter have such a relationship to the whole composite? The indication in this passage that it does is confirmed in Aristotle’s final review of part-whole priorities in chapter ten.

Here again, Aquinas finds the answers Aristotle proposes to turn essentially on his interpretive disagreement with the Averroists. This makes sense inasmuch as it was the idea that common matter can be a part of a composite’s essential definition which Aquinas emphasized in qualifying the initial account of part-whole priority in natural substances. This is a metaphysical point the Averroists rejected, however, given that they defined the essence of an object in terms of its form alone. Universal matter with definitional importance has no place in their account.

### **Interpretation of the last section of chapter 10**

In the final paragraph of chapter 10, Aristotle turns to “adapt the proposed solution to the question previously noted,” i.e. whether the right angle, circle, or animal are prior to their parts or vice versa.<sup>53</sup> The answer to this question, as one might expect, depends upon whether the Averroist or the Thomistic understanding of essence is being applied. Aristotle himself notes the difference the general interpretive divide makes, observing that priority relationships will be different depending on whether or not one

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<sup>53</sup> *Comm. Metaphysics*, n. 1498.

takes form and essence to be synonymous.<sup>54</sup> Aquinas makes explicit, however, that the incorporation of common matter into the species is the substantive point entailed by this distinction. Aquinas begins by analyzing the question from the Averroist position, then introduces the concept of common matter—concluding (as does Aristotle) that it is necessary “to say and not to say” that the parts are prior to the whole.

According to the Averroists, insofar as form is equated with essence (and thus definition) the only qualification necessary to describing part-whole priority relationships is based upon the simple distinction between matter and form. The resulting priorities are just what we have seen: definitional parts (which are limited to form) are prior to the thing defined (the universal, the whole form); material parts are, in a limited (basic) sense, prior to the whole particular. Conversely, the whole is prior to its material parts since they are defined by their operation in the whole, and the whole is prior insofar as it can exist independently of the parts, but not vice versa. On this account, defining part-whole relationships must be qualified by specifying whether we are speaking formally or materially. If, however, it is true (as Aquinas thinks that it is) that the essence of a composite body is *not* identical to its form,<sup>55</sup> it is necessary both to affirm and to deny that the material parts are prior to the whole. Now, there is one way in which the Averroist can say this, inasmuch as material simple parts are prior to their complex wholes. However, the distinction Aquinas suggests is based upon the *additional* distinction between common and particular matter which Averroists do not recognize. The true Aristotelian position, Aquinas contends, distinguishes between matter and form (the basis of the initial “qualification” which both camps must make), as well as common

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<sup>54</sup> *Metaphysics*, 1036a15-35.

<sup>55</sup> The statement that “the essence of each thing is the same as the thing of which it is the essence” only applies to primary, i.e. immaterial, substances. It is not true of composites, which have matter in their *ratio*. *Comm. Metaphysics*, n. 1533.



and particular matter, the basis of the bifurcated response to the priority of material parts. It is evident, therefore, that Aquinas takes this distinction to imply an *additional priority* which material parts might have over their wholes. As he has already suggested, this is a kind of definitional priority predicated upon the incorporation of universal material parts into the *ratio* or definition of the whole. Such a priority, inherent in the distinction between species and form which is essential to his rejection of the Averroists, is essential to Aquinas's interpretation of Aristotle in this passage.

It is clear enough that Aquinas affirms a kind of definitional priority of common material parts to the composite whole. But this affirmation raises a number of significant conceptual difficulties. In order for this account to be convincing, the following questions must be answered: First, on this account of the priority of material parts to the whole, what prevents one from having to say that 'hand' is prior to 'man'? In other words, if material parts are incorporated into the definition of the whole, doesn't this mean that 'man' is defined in terms of 'hand', rather than vice versa? This would seem to contradict the clear statement that material parts are defined by their operation and existence *relative to the whole*. We cannot simply say in response that particular material parts are defined according to their operation as part of the whole, but that the whole itself is defined according to material parts taken universally. This would entail that material parts define universally what they are defined by particularly, which calls into question the logical connection between the particular and the universal. This difficulty is of a piece with another. What is the relationship between the form of a composite substance and its species or essence? If both formal parts and common matter are part of the *ratio* and thus both have a definitional priority, what is the relationship between them? It seems clear that form cannot be taken to be posterior to matter inasmuch as matter cannot

even be known apart from form.<sup>56</sup> How then is formal priority to be described in light of the inclusion of universal matter in the essence, and the priority this entails in our description of *what the thing is*? Answers to these questions become more apparent in Aquinas's commentary on Chapter 11 of Z.

#### **FORM AND SPECIES: PRINCIPAL PARTS AND "MATTER-ORIENTED FORMS"**

The first question (i.e., What prevents us from having to say that 'hand' is prior to 'man'?) is answered in part by recalling that the distinction between definitional and strictly material parts is not only a difference between the universal and the particular. In other words, not every material part of a composite being is incorporated into its species by way of logically abstracting particular material parts to corresponding universal definitive parts. The argument of Z, Chapter 10 is that *some* material parts are of essence to composite beings and thus have a kind of definitional priority over the whole thing. However, we have still to ask *what particular* material parts merit inclusion in the definition of a species and what are strictly material parts, i.e. part of the individual thing.<sup>57</sup>

In the first place, Aristotle notes that this question cannot be answered simply on the basis of a constant correspondence of form and a particular kind of matter. Whereas we easily observe that circles appear in all different kinds of matter (e.g., bronze, iron, wood) and thus that these materials are not part of a circle's definition, what about composites that always appear in a particular kind of matter? The human species, for example, always appears in flesh and bones. Aristotle opines that whereas it may be very

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<sup>56</sup> Ibid., n. 1496.

<sup>57</sup> nn. 1501-02. Aquinas's reading of the basic problem in Chapter 11 builds upon his reading of Chapter 10. You cannot clarify *what* material parts are included in the species, unless you accept that some in fact are (by way of common matter). Thus, Aquinas takes the further exploration in Chapter 11 to be about *which* material parts are essential to a given composite. In contrast, interpreters like Marc Cohen take Aristotle to be discussing what parts are included in a thing's form, leading to the ultimate conclusion that definition is simply a matter of form (Stanford Encyclopedia of Philosophy).

difficult to conceptually sever ‘man’ from flesh and bones, we cannot rely upon ubiquitous correspondence with matter to define a thing’s essence.<sup>58</sup> So then, according to what principle do we determine that a material part is included in something’s species?

The short answer is as we would expect: we look to a thing’s form. Such things as are required to carry out the proper operation of the species must be a part of the species (just as the operation of the whole defines the part). For example, insofar as an animal is distinguished by the abilities of sensation and motion, parts necessary to getting around and perceiving things are essential to any animal’s definition. Essential material parts depend upon the form of the whole, or, as Aquinas puts it “each thing is placed in its proper species by form {per formam}.”<sup>59</sup> Thus, despite what we have concluded about the definitional primacy of universal material parts, this does not negate the priority of form inasmuch as it is the form itself which indicates what material parts are of essence to the species. The *ratio* of the form differentiates between what we should take to be universal and particular material parts. This leads Aquinas to the conclusion that only those material parts should be given in the definition of the species in which form has the primary and chief role.<sup>60</sup> *Nevertheless* {nihilominus}, he observes, body parts must be put in the definition (of man)—those in which the soul (i.e., its form) is “first present,” such as the heart or brain.<sup>61</sup> This identification of parts of the body in which the soul is first and chiefly present highlights a couple of things that complicate (if not qualify) how the

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<sup>58</sup> *Metaphysics* Z.11, 1036a26-1036b5.

<sup>59</sup> n. 1531.

<sup>60</sup> illae partes materiae solum ponantur in definitione speciei, in quibus primo et principaliter est forma.

<sup>61</sup> {et quod nihilominus in eius definitione ponantur partes corporis, in quibus **primo est anima**, sicut cor aut cerebrum} Although ‘primo’ can be taken in the qualitative sense of “chief” or “highest,” the temporal sense of “first present” seems justified here since Aquinas employed the dual phrase “primo et principaliter” immediately above. Cf. ST, I, q. 75, a. 5 – matter which the soul first actualizes is called “primary animate” {primum animatum}. Although the soul, which is incorporeal, is the “first principle of life,” the heart is a principle of life in an animal (ST, I, q. 75, a 1).

relationship between the form of a composite substance and its species or essence should be understood.

In the first place, the priority of the whole based upon its capacity for independent existence is more complex than we have yet discussed. Whereas it is true that the body can exist without a finger and not the reverse, this independence certainly does not hold for *all* body parts. A man will not survive decapitation or destruction of his heart. Thus, there are material parts whose existence is neither prior nor subsequent to the whole body, but simultaneous. Aquinas calls these ‘principal parts’, and specifically identifies them with the form of the whole. They are parts in which the form of the whole first and primarily exists.<sup>62</sup> The idea here seems to be one of inherently in-formed matter, i.e. material parts which—although certainly distinguishable from the form inasmuch as the soul is not a corporeal substance—are nevertheless simultaneous and incipiently united with the form of the whole. These parts are distinguishable from flesh and bones, which are necessary to the nature of all sentient animals, insofar as they are informed by the intellectual soul of man. (The brain and heart [and other necessary organs], it seems, should be taken together inasmuch as the cognitive function depends upon the vitality of the whole body. The existence of material parts depends not only upon their function as part of the whole, but also upon their *state* of being able to fulfill that function. As we have already seen, a hand on a corpse is only a “hand.”<sup>63</sup>) Thus, there are material parts whose existence is simultaneous {simul} with the form of the whole, and therefore they are necessary to the essence of the whole species.

In the second place, there is an inverse corollary to this idea of ‘principal parts’, which seems to denote intrinsic *inform-ment*. It is what we might call “matter-oriented

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<sup>62</sup> n. 1489.

<sup>63</sup> n. 1519.

forms.”<sup>64</sup> Some species of things possess forms which should be conceived in a particular way—with a particular kinship to matter. Aquinas explains it in this way,

For some species of things are not forms without matter, but are a ‘this in this’, i.e. a form in matter, in such a way that what results from the form existing in matter is the species. Or if they are not like a form in matter they are like things which have a form in matter.<sup>65</sup>

We can see, then, that the particular concept ‘species’ does not simply denote taking or considering form and matter together (as when bronze and circle are specifically considered as one thing, ‘bronze circle’). Instead, there is an intrinsic relationship between form and matter, such that the essence of the thing is ‘this in this’, so to speak, as opposed to ‘this without this’ or even ‘this and this’. This determination seems to underlie Aquinas’s understanding that the soul is incomplete apart from the body. Whereas the soul survives bodily death, it does so only in a partial state, i.e. as a part of a whole substance. The human person is only a complete substance as unified soul and body. Thus, the human form is uniquely matter oriented, and the species ‘man’ is not adequately accounted for by the soul alone.<sup>66</sup>

Therefore, it is evident that the relationship between form and species is a difficult one. Whereas it is clear that Aquinas affirms a definitional priority of form to the common material parts of a species, it is equally plain that at least the ‘principal parts’

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<sup>64</sup> See Robert C. Koons, “The Principle of Individuation,” Aquinas Reading Group notes, Feb. 20, 2009, p. 2. Unpublished.

<sup>65</sup> n. 1517. “Quia quaedam species rerum non sunt formae sine materia; sed sunt *hoc in hoc forsitan* {perhaps}, idest formae in materia: ita quod id quod resultat ex forma in materia existente species est. Aut si non sunt sicut {just as, like} forma in materia, sunt se habentia sicut illa quae habent formam in materia.”

<sup>66</sup> ST, I, q. 75, a. 4, esp. ad 2. For a helpful discussion of this point, as well as an explanation of the difference between Aristotle and Aquinas on the soul’s immortality (i.e., its separation from matter), see F. C. Copleston, *Aquinas: An Introduction to the Life and Work of the Great Medieval Thinker* (New York: Penguin (Non-Classics), 1956), 160–170. This doctrine additionally entails that the statement “the essence of each thing is the same as the thing of which it is the essence” only applies to immaterial substances. It does not apply to substances which are material because essential materiality requires instantiation in signate or particular matter, and this differentiates essence from the thing of which it is the essence (*Comm. Metaphysics*, n. 1533).

have a unique relationship to the form of the whole. They are, in a sense, intrinsically informed inasmuch as their existence is simultaneous with that of the form, and the forms of such composites are uniquely “matter oriented” insofar as they presuppose material existence. Thus, for essentially composite beings, the relationship between form and matter seems most aptly described as one of interpenetration. Whereas the *ratio* of the form is prior to the whole in all of its parts—both special and material—the *ratio* of a special material part coexists with the form and is, in a sense, presupposed by it. This essential union of form and matter is contained in Aquinas’s doctrine of ‘species’, and he intentionally juxtaposes it with accounts of natural substances that exclusively identify form and essence. What is more, he references this whole metaphysical background when affirming Aristotle’s description of the body politic—indicating that he both endorses the metaphor and contemplates limitations inherent in the metaphysical structure of the doctrine.

An important clarification should be highlighted at this point. In one respect, the concept of principal parts does not qualify the posteriority of material parts or serve to invest parts with any definitional primacy over the whole. The reason for this is that even if we take the relationship between the principal parts and the whole to be one of simultaneous existence and interdependence, the posteriority of the principal parts still seems to be required. For example, human life depends upon the heart’s healthy functioning. The existence of the whole and the part are interdependent. However, this observation is perfectly compatible with the heart’s posteriority to the whole human body. The function of the heart is defined according to the whole; it is the organ that circulates blood throughout the body. The fact that the whole cannot exist without the principal part does not change this.

Central to the trouble here is a distinction between the matter of something and the material parts of a composite whole. Flesh and blood are the matter of a human, and as such are specifically or definitionally prior to the whole. The hand, the heart, or the brain, in contrast, are material parts of the human person, and as such are definitionally posterior. Given the difficulty of a material part's posteriority to the form of the whole, the utility of this idea of principal parts remains uncertain. I will continue to explore its usefulness throughout the remainder of this chapter, particularly as it might illuminate the relationship between the family and the political community. However, given the persistent difficulties here, this explanation has to be taken as provisional.

It is also worth pausing to make a point about interpreting the body metaphor as it illumines the nature of political community. The metaphysical picture of the human person which we have developed begins to suggest a number of interesting possibilities, e.g. Might parts of the body politic correspond to the head or heart?, or, Is the family more to be associated with the intrinsic affective aspects of human association associated with the heart? There appears to be little reason, however, to push the analogy to this level of description. As all analogies do at some point, it simply begins to break down (for reasons that will become evident later). However, if the analogy to the human person is to be helpful *at all* in its description of the relationship between form and matter as it bears similarity to the political community and its constituent parts, we should expect the relevant points of political theory to follow the general contours of the metaphysical doctrine. The distinction between form and essence to which Aquinas gives such careful attention in his delineation of 'species' as a definitional category constitutes a metaphysical watershed. We should expect, therefore, for it to have implications for the fundamental doctrines of political theory which the body metaphor is intended to represent. And in his commentary on the dense opening chapters of the *Politics*, Aquinas

gives us ample reason to conclude that he incorporates this fundamental metaphysical orientation into his understanding of the body metaphor and the priority relationships it entails. Therefore, we are justified in probing the general implications of these metaphysical points without becoming too enmeshed in the details that might be suggested by the specifics of form-matter unity in the human person. Before turning to work out relevant implications, however, it is necessary to turn away from considering natural substances in order to round out our store of metaphysical doctrines. For insofar as the political community is *disanalogous* to the human person, i.e. insofar as it does not constitute a unity of metaphysical substance, but rather one of order, the body metaphor must be qualified and supplemented with more specific accounts of the kind of thing that political association is. For this, we turn to the “prologue” to Aquinas’s commentary on the *Nicomachean Ethics*, in which Aquinas specifies the particular way in which political community can be taken to be a whole.

#### **KINDS OF WHOLE IN THE COMMENTARY ON ARISTOTLE’S NICOMACHEAN ETHICS**

The purpose of Aquinas’s opening comments on the *Nicomachean Ethics* is to broadly situate the work among the divisions of moral philosophy. Wisdom is the most powerful perfection of reason, Aquinas tells us, and its aim is to discern the order in and among things. The investigation of order falls into four distinct categories: the order of nature (natural philosophy), the internal order of reason (logic), the order of will (moral philosophy), and the order of external things (mechanical arts).<sup>67</sup> Moral philosophy is in turn subdivided according to those essential forms of association which comprise the

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<sup>67</sup> Some theorists contend that there is a strict division among these orders that precludes, for example, inference of moral principles from observations of natural facts (the so-called “fact-value dichotomy”). This, John Finnis asserts, is on Thomistic grounds an illicit conflation of separate orders in human investigation, viz., the natural and moral orders. In this text, at least, Aquinas makes no such strict division. John Finnis, *Aquinas*, 20-23.



category ‘human action’.<sup>68</sup> The upshot is a basic division of moral philosophy into individual, domestic, and political.<sup>69</sup> The natural sociability of man is expressed first in the domestic association, by which men obtain life’s necessities (but not only that, as we shall see), and secondly, in the political community through which a ‘perfect sufficiency of life’ {vitae sufficientiam perfectam} is achieved. This is a familiar line of reasoning, but what is not so well known is the set of qualifications about the fundamental nature of these associations that Aquinas inserts between this familiar account and the consequent division of moral philosophy into individual, domestic, and political.

Although the political community provides the completeness necessary to human flourishing, “It must be known” Aquinas reminds us, “that this whole which is the civic group or domestic family has only a unity of order {solam ordinis unitatem}, according to which it is not something absolutely one {simpliciter unum}.” Parts of ordered wholes are primarily distinguished by this: they can have operations or activities which are not ‘of’ or do not ‘belong to’ the whole {non est operatio totius}. Of course, the association is taken to be a whole inasmuch as it has functions or purposes which are not particular {propria} to any part. Although the attack of a whole army clearly belongs to the whole as such, individual soldiers, Aquinas avers, have operations which are not ‘of the whole’.<sup>70</sup> Similarly, propelling a boat is the special function of its whole crew.<sup>71</sup> Aquinas distinguishes this unity of order from several different unities, all of which constitute simple or absolute unity {unum simpliciter}. Such wholes have a unity of order, but also

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<sup>68</sup> See Alasdair MacIntyre, *After Virtue*, 51-61 for a helpful discussion of this “functional concept” of human nature. As MacIntyre reads the Aristotelian tradition, to be ‘man’ is “to fill out a set of roles each of which has its own point and purpose: member of family, citizen, soldier, philosopher, servant of God,” 59.

<sup>69</sup> Comm NE, Lec. 1, n. 6.

<sup>70</sup> According to M.S. Kempshall, Aquinas’s consistent aim is to maintain the “more worthy” claim of the part against the claims of the superior whole. Just as Aquinas does this in protecting the status of man vis-à-vis the universe, he does the same in protecting the status of the individual relative to the communal whole. *The Common Good in Late Medieval Political Thought* (Oxford: Oxford Univ. Press, 1999), 88.

<sup>71</sup> Comm. NE, n. 5.

of composition {compositione}, or conjunction {colligatione}, or even continuity {vel etiam continuitate}. As simple unities, their constituent parts do not have operations distinct from the whole. Interestingly, Aquinas briefly develops the distinctions among types of simple wholes. In wholes possessing continuity, the motion of the whole and of the part is identical {idem}. Although Aquinas does not supply examples, this degree of unity seems descriptive of substantial or organic wholes. There is no distinction between what the part does and what the whole does. For instance, it is not my hands which are typing this sentence. Rather, *I* type this sentence with my hands. Although it is my hands that come into direct contact with the keyboard, to attribute the activity to a part of my body rather than simply to me is to misunderstand the unity of the human person. Similarly, the parts of composite and conjoined wholes have operations which *principally* belong to the wholes. Now Aquinas does not give an example of what he has in mind here either (or in what way he might take ‘composition’ and ‘conjunction’ to be different), but he takes both kinds of unity to be: (1) less than the substantial identity of ‘continuous’ wholes, (2) more than the simply concerted activity of ordered wholes, and (3) in the final analysis best described as ‘simple unity’—in which there is no activity of the part which could not be ‘of the whole’—based upon the fact that the operations of the parts are *principally oriented* to the whole. John Finnis observes that these three terms are “a good example of Aquinas’ flexible use of terms, allowing context and argument and the nature of the subject-matter to stabilize the meaning,” and thus Finnis apparently does not recognize a distinction here between unities of continuity and unities of composition or conjunction.<sup>72</sup> And indeed, Aquinas provides no criterion to distinguish composition and conjunction, and moreover, as Finnis demonstrates, puts ‘colligatio’ to wide and various usage. For instance, the parts of an animal are connected by ‘colligatio’, the parts

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<sup>72</sup> John Finnis, *Aquinas*, 52, n. g.

of a house, a mother and her *in utero* child, or even in ways entirely incompatible with Aquinas's usage here, the parts of a political community are 'conjoined', as well as the members of a household.<sup>73</sup> We can infer from these various uses, as Finnis says, that Aquinas evidently employs no static meaning for 'collagatio', but it nevertheless appears that in this passage he does at least recognize a distinction between unities of continuity and conjunction or composition. In the first case, the activity or motion of part and whole possess the *identity* characteristic of substances, but in the latter two cases the operation of parts is *principally* of the whole (and in all three cases there is no operation of a part which could not be 'of the whole'). The most likely examples, then, of the kind of unity that Aquinas has in mind here with 'colligatio' are those of the parts of a house or of a mother with child. Although in these cases the whole does not possess the organic continuity of substances, nevertheless the parts are principally 'of the whole'—though for very different reasons. A wall's principal operation as part of a house incorporates its divisional and structural functions into the overall logic of the dwelling. Conversely, an *in utero* child, while genetically and organically distinct from its mother, nevertheless exists with the mother until the point of viability as a kind of conjoined biological whole. The growth and development of the embryo, its principal activity, is dependent upon its successful integration into the life-giving capacities and operation of the mother's body. Although this simple or absolute wholeness has to be understood in a limited sense, it is obvious that the biological unity of mother and *in utero* child is not merely an ordered relationship. So we can see in these cases a kind of intermediate wholeness which both exceeds the ordered unity of associations and falls short of the organic continuity of substances.<sup>74</sup>

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<sup>73</sup> See references *ibid.*

<sup>74</sup> Cf. *Comm. Politics*, Lec. 1, n. 2, where Aquinas likens the unity of associations to that of a house. A house is superior to its walls inasmuch as the house includes the walls. The point Aquinas makes here,

There appear to be a couple of important inferences to draw from the distinctions Aquinas lays out here, in addition to the obvious point that despite their naturalness human associations are not to be taken to be natural substances. They do indeed naturally develop, but not simply as a result of biological growth or animal necessity. They are also the product of the rational human pursuit of ordered knowledge and activity, and thus are themselves *ordered wholes*. As a result, it is characteristic of ordered wholes that the parts *can have* an operation which does not belong to the whole. Conversely, in simple wholes there is no operation of the part that “could not be of the whole.” The further distinction Aquinas makes within this category—that between parts whose activity is *principally* of the whole and those whose activity is *identical* to the whole—is interesting inasmuch as we may infer the following. We know that if (x) the operation of a part is principally of the whole, then (y) there is no operation of a part that could not be ‘of the whole’. In ordered wholes, however, a part *can have* an operation that is not an operation ‘of the whole’ (i.e., not (y)). Therefore, we can infer (*modus tollens*) that in ordered wholes the operation of a part is not *principally* ‘of the whole.’ This tells us more than simply that parts of ordered wholes may have operations distinct from the whole. It tells us additionally that their operation, though they may have many activities ‘of the whole’,

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however, is that the *inclusiveness* of wholes invests them with superiority. Thus, a house is analogous to an association inasmuch as both wholes include their parts. The characteristic of inclusivity, however, is distinguishable from (and posterior to, insofar as what inclusivity will entail will depend upon the nature of the unitive relationship) the integrative principle of a whole. For example, we might say both that my body includes my hand and the current U.S. Senate includes John Cornyn. The integrative principle in both cases is radically different, however. Therefore, we need not take an analogy which Aquinas employs to describe inclusivity in general to be descriptive of the integrative nature of associations.

A team of sled dogs perhaps provides another fitting example of conjoined wholes. Inasmuch as the sled harness binds the dogs together, it makes the activity of each dog necessarily connected to the whole (for good or ill). The team inevitably moves as a unit in a way that exceeds the unity of a hunting pack, for example. Although both activities of the pack presuppose concerted activity toward completion of a common goal, the conjoined state of the mushing dogs intrinsically increases the unity of the pack. Consider the very different effects in each case precipitated by one dog breaking through an iced-over river or wounding a leg. (Whereas the conjoined unity of the parts in this example highlights the degree to which the operation of the parts is principally ‘of the whole’, it would seem to be the lack of rational capacity that most supports this conclusion in all cases involving non-rational social animals.)

is not principally of the whole. What Aquinas means by this will become clearer as we progress. At this point we may observe that he must mean *more* than merely that in ordered wholes the animating principle of the part does not reside in the whole, i.e. that an ordered whole is not a natural substance. If that were all that could be inferred, the further distinction between continuous simple wholes and conjoined or composite simple wholes would be irrelevant. On the other hand, we may not infer a simple primacy or independence of the activities and ends in which parts of ordered wholes engage. After all, however we may want to affirm that the activity of ordered wholes is not principally ‘of the whole’, for Aquinas it must be compatible with the thought that the operation or activity of a soldier is not principally of the army. This is the primary example of an ordered whole that he employs. We can see that insofar as the definition, purpose, and perfection of the soldier is understood relative to the whole army’s aim at victory, it is evident that it cannot be maintained that the operation of the soldier is not principally that of the army, tout court. Clearly, the *end* at which the soldier aims, insofar as he is a soldier, is principally that end for which the army as a distinct whole was formed, viz., victory in war. Moreover, it is a characteristic of more ultimate ends that they dictate the work of those arts and sciences subject to them and use them for their ends. It would seem, then, that the activity of a soldier is indeed principally ‘of the whole’. At the same time, it is clear that the nature of ordered wholes is that they coordinate for a common purpose entities which have existence and natures apart from their participation in the whole. The ordered whole can be said to exist, can be said to act, inasmuch as it unites the disparate parts in an activity or accomplishment unavailable to each, but at the same time, it is an entity that presupposes the existence and distinct natures of its parts. If every association is a partnership formed for the sake of attaining some good,<sup>75</sup> it follows that

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<sup>75</sup> Aristotle, *Politics*, I.1, 1252a3.

the good sought must be presupposed by the ratio or logic of the formative parts. If it were not, there would be no reason for the constitutive parts to form the association in the first place. (We may say in addition that the inclusivity of the common good, which grounds its superiority, is also necessary to its desirability.) Thus, we can see that insofar as the purpose of an ordered whole depends upon the nature of its parts, the primary activity of the part precedes that of the whole. And we may further observe that the success of the ordered whole depends upon the flourishing of its parts quite apart from those activities ‘of the whole’ in which it engages. To return to Aquinas’s example, a soldier has a function—combat—that is distinct from the combined, organized aim of the whole army to win the war. Of course, the activity of the soldier in combat promotes and is organized by the army as a whole, but his excellence as a fighter draws on skills and virtues possessed by the soldier *qua* fighter. In this sense, then an ordered whole is itself comprised of wholes—entities with purposes and perfections distinct from the unique excellence of the whole. It follows from this that in order for the soldier to achieve his own distinct perfection as a fighter he must be given the opportunity to do so. An army that only drills marching and communication may function seamlessly as a unit, but it will nevertheless have great difficulty winning battles. For an ordered whole inherently depends on the proper functioning of its parts not only *qua* parts, but first and principally *qua* distinct wholes. Of course, a soldier must not decide to utilize his abilities to pursue the ends of the whole as he sees fit; victory depends upon the coordinated activity of the whole. Nevertheless, that activity presupposes capacities, virtues, even passions, alien to the whole as such—perfected in the individual soldier. To the degree, then, that an organization (i.e., ordered whole) is inattentive to the irreducible diversity among its parts, it compromises its own ends. By subsuming its parts, it consumes itself.

## IMPLICATIONS FOR THE NATURE AND PRIORITY OF POLITICAL COMMUNITY

Let us now turn to apply to political community the foregoing analysis of the part-whole metaphysics of natural composite substances. For the moment, I shall put to one side the discussion of ordered wholes and return to the description of the city as a natural body. My basic claim has been that Aquinas's comments on the early sections of Aristotle's *Politics* indicate a qualified affirmation of the body metaphor and, moreover, clarify ways in which Aquinas thinks the metaphor is helpfully developed. With the metaphysical background in place, now the task is to draw out implications, asking in the process whether they comport with the full picture of the political community Aquinas paints in the commentary and elsewhere.

Recall the basic propositions that surfaced during the foregoing discussion. First, in his comments on the *Politics*, Aquinas advances a distinction between form and species and their different relationships to matter. Given the Averroist interpretation of Aristotle's metaphysics, the essential relationship of form and matter in composite substances cannot be simply assumed. Aquinas does not do so, but points the reader to key conceptual distinctions which he develops elsewhere. Simply affirming that the city is like a body in a number of important ways does not automatically entail the relationship between form and matter that Aquinas intends with the idea of 'species'. However, Aquinas is careful to develop his thoughts in these terms and to indicate (albeit briefly) particular ways that they are important to our understanding of the fundamental part-whole relationships within the political community. Second, the key distinction denoted by Aquinas's concept of 'species' is that, contrary to the Averroists' strict identification of essence and form, the true Aristotelian position recognizes matter as part of the essence of composite substances. For natural substances that are essentially composite, saying *what the thing is* necessitates an account of its matter, and thus

(common) matter may be part of the essence of such things. Moreover, as part of the essence or definition of what the thing is, matter possesses a kind of priority over the whole—this insofar as special (i.e., definitional) parts have explanatory priority to the whole. This definitional priority of material parts, however, posed a difficulty, insofar as it seemed to make it possible for a part to define the whole by which it is itself defined. Resolving this difficulty led to a third essential concept, that of the ‘principal part’—which denotes a simultaneous, mutually dependent (if not wholly symmetrical) relationship between the whole’s form and its principal parts. A fundamental connection between principal parts and the whole exists inasmuch as a principal part incipiently possesses the form of the whole and its existence is simultaneous with the whole.

What then can we take to be the import of these basic metaphysical propositions for the nature of political community? Insofar as Aristotle and Aquinas think the character of the city should be understood as analogous to the human body, the basic structure of the hylomorphic union should frame our understanding of the relationship between the ‘matter’ and ‘form’ of the city. It is worth noting parenthetically that, although Aristotle apparently intends to frame his account of the city in broadly hylomorphic terms, he does not directly identify what he takes to be associated with matter and form. The clearest analogues would seem to be, on the one hand, the material account of the city in Book I, identifying individuals and families as the ‘matter’ of the city, and on the other, the formal account of the city’s identity in Book III, naming the constitution or regime as the city’s form. This interpretation of Aristotle’s basic description of political community appears to be relatively uncontroversial,<sup>76</sup> although there is much room for disagreement in filling in the details of the scheme and

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<sup>76</sup> A diverse range of commentators affirm this basic reading, including Thomas Aquinas, *Comm. Politics*, II, Lec. 2, n. 6; Leo Strauss, *The City and Man*, 45-46; and Richard Kraut, *Aristotle*, 257.



articulating its real significance for political science. So, we can infer from Aquinas's articulation of the city as a 'species'—understood in his technical metaphysical sense—that the following characterizations of the city's organicity are misguided.

In the first instance, it cautions against understanding the city as fully organic or instinctual. In this vein, Ernest Barker takes from Aristotle a strongly 'matter'-driven account of political community, which attributes its development almost entirely to instinct. The city's naturalness entails physical necessity. Consequently, on Barker's view, individuals are "instrumentalized" to the state, and its members have "no meaning or existence except as sharing in its life."<sup>77</sup> The error of this view is to identify the 'body politic' with its 'matter'—the material necessities and exigencies of its earliest beginnings that most seem to make its development inevitable. Although some of Aristotle's imagery supports such a misreading, it has frequently been observed that his praise for the great service of the city's founder obviates it.<sup>78</sup> In the opposite direction, Aquinas's metaphysical framework undermines a rationalization of politics. A correct understanding of the growth of political community, analogous to that of natural composite substance, sees it not as the imposition of rational form onto essentially non-rational, instinct-driven individuals and associations, but rather as an integrated completion of characteristics already in fruitful ferment at the individual and familial levels. In this sense, politics is a natural process, not an 'artifactual' one. As Aquinas notes early in his commentary on the *Politics*, the nature of a house is located in its form,

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<sup>77</sup> *The Political Thought of Plato and Aristotle*, 276, 278. Cf. Bernard Yack, *The Problems of a Political Animal: Community, Justice, and Conflict in Aristotelian Political Thought*, (Berkeley: Univ. of California Press, 1993), 88-108, and Wayne Ambler, "Aristotle's Understanding of the Naturalness of the City," *The Review of Politics*, vol. 47, no. 2 (Apr. 1985), 163-185, at 169. Yack and Ambler both take a view similar to Barker's insofar as they read Aristotle's account of the naturalness of the city in a very literal, organic sense. They differ from Barker, however, in rejecting this kind of naturalness as a plausible account of political community—and thus also of Aristotle's real teaching.

<sup>78</sup> *Politics*, I.2, 1253a29.

which is externally imposed upon matter.<sup>79</sup> The essence of an artifact derives from its form alone, and thus corresponds to the Averroists' exclusive identification of form and essence.<sup>80</sup> In contrast, Aquinas understands political communities to be a kind of species insofar as their nature or ratio includes that of the 'matter' of which they are composed. The parts of political community are not simply in-formed by the rational principle of the regime that brings them to completion; rather, the whole itself, what we take the political community essentially to be, is itself in part defined by its constituent parts.

Now, there are two importantly different ways of taking this claim, a weaker and a stronger. According to the weak version, what is meant is simply that the 'matter' of the city must be accounted for in constructing the regime. The political substance of this claim might be, for example, that regardless of what we take to be reasonable or philosophical principles of politics, public policies must always account for the intractable, pre-existing commitments of families and individuals. The form and aims of the body politic are necessarily constrained by the nature of its 'matter'. If the qualities of the matter are not taken into account, the rational principle will itself fail. Yet we should notice that this kind of conservative constraint is consistent with a merely 'artifactual' view of politics—the imposition of form on matter. For example, at the material level we may observe that not all substances are suitable for sculpting: marble will hold a shape; water will not. The nature of the matter always sets constraints on the kind or degree of form it may receive and in this way it partially defines our understanding of what the

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<sup>79</sup> n. 18.

<sup>80</sup> Recall that any artifact *may* be considered as a composite and the form of any composite may be abstracted from its material essence. In the first case, the concept 'bronze statue' as such takes the material to be essential to the thing under consideration, even though 'bronze' is not essential to 'statue' in the way that 'flesh' is to 'snub'. Additionally, it is possible to conceive of 'snub' as merely the concave curvature of nose, rather than the composition of flesh and form that the term essentially denotes. Regardless of these conceptual possibilities, however, the essential union or disjunction of matter and form defines the difference between these two kinds of metaphysical existence.

thing is. Such a practical principle is not inherently inconsistent with the concept of political community denoted by ‘species’, but it also clearly does not go as far as the metaphysical concept suggests.<sup>81</sup> In contrast, the strong version of the claim is that there is a mutual implication or integration of the ‘matter’ and ‘form’ of the political community. Here, the substance of the claim mirrors the explanation of the metaphysical relationship between ‘species’ and ‘form’. Recall that in composite natural substances, Aquinas takes Aristotle to hold that matter is incorporated into the essence or ‘species’ of the thing itself. As such, special material parts are definitionally prior to the whole. This engenders a difficulty inasmuch as it seems to invest material parts with a definitional priority over the form of the whole, by which they are themselves defined. The problem is resolved only by further clarifying the nature of special material parts and the forms of intrinsically composite substances (i.e., species). In the latter case, the forms of natural composites display a particular “matter-oriented” quality best described as form-in-matter. Likewise, material parts included in a species are those in which the form is primary and first present {primo et principaliter}. Therefore, essential to the concept of ‘species’ is an interpenetration of form and matter—form as “matter-oriented” and matter primitively in-formed. In this light, the special ‘matter’ of the political community is not taken to be merely an intractable constraint on the implementation of rational principles. On the contrary, the ‘principal parts’ of the city incipiently manifest the form of the

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<sup>81</sup> Allan Bloom, I would argue, attributes this kind of ‘artifactual’ view of politics to Plato’s Socrates in the *Republic*. The thrust of Bloom’s reading is that Socrates rejects many of the innovations of the “city in words,” not because they are rationally untenable, but because they too sharply curb irrational familial commitments and passions. It is perhaps most accurate to describe Bloom’s rationalization as one of philosophy, not politics, since he identifies the interests of the city most fundamentally with familial prejudices, not philosophical ideals. At the same time, insofar as Bloom takes Socrates’ project to be making the city as safe as possible for philosophy—for example, the familial communism of the “city in words” is desirable insofar as it would disguise “Socrates’ deplorable neglect of his family”—the kind of rationalization of politics I intend here is affected. Bloom also opines that “The communism of women and children, by suppressing family ties, serves to emancipate men’s love of the good.” See Allan Bloom, “Interpretive Essay” in *The Republic of Plato*, trans. Allan Bloom, 2<sup>nd</sup> ed., (New York: Basic Books, 1991), esp. 380-89.

completed whole. Now, if this characterization of political community is in keeping with what Aquinas has in mind, we would expect to be able to discern the rational principle of political community even in the earliest stages of human association. And indeed we do—particularly with respect to the familial association.

In her expansive and penetrating study of Aquinas's appropriation of Aristotelian moral and political philosophy, Mary Keys has observed that even from Aristotle's earliest account of political community Aquinas begins to elevate the status of the family vis-à-vis the good life. In particular, she points to Aquinas's specification of man as naturally domestic, in addition to Aristotle's argument that he is naturally political. This addition comes in response to Aristotle's observation that communication concerning goodness and justice makes *both* a household and a city.<sup>82</sup> Now, given that Aquinas takes the definition of man as a 'domestic animal' to follow from the family's concern for goodness and justice—something that Aristotle himself affirms—it is problematic to conclude, as Keys does, that Aquinas intends to elevate familial association beyond its Aristotelian status.<sup>83</sup> On the other hand, it is possible to read Aristotle as holding that the political concern for goodness and justice, in which the family participates through the political process, is fundamentally transformative and perfective of the family. The family *becomes* concerned with these things because the city is, and thus achieves its full potential in political life. Such a reading is plausibly supported by the dichotomy that Aristotle draws between the patriarchal rule of nations and the political rule of cities. In contrast to a city, nations develop from the expansion of villages, which are themselves only allied households. As families organized themselves into villages and villages into

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<sup>82</sup> Mary M. Keys, *Aquinas, Aristotle, and the Promise of the Common Good*, (Cambridge: Cambridge Univ. Press, 2006), 81, citing Aquinas, *Comm. Politics*, n. 21.

<sup>83</sup> "But communication about [goodness and justice] produces the household and the political community. *Therefore* {igitur}, human beings are by nature domestic and political animals." Ibid. Emphasis mine.

nations, the authority of fathers naturally vested in the eldest patriarch, and kings ruled their subjects as fathers do their children. As Homer said of the Cyclops, “each one gave sacred law to children and wives.”<sup>84</sup> This organic development explains why cities used to be ruled by kings, but Aristotle clearly wants us to see that they no longer are—or at least not on the same patriarchal principle. Therefore, it may easily appear that Aristotle takes principles of familial order naturally to lead to distorted forms of political association in which genetic lottery selects capricious, authoritarian masters. Political association, it would seem, repudiates the arbitrariness of family relations. It perfects by transforming—not by fully realizing principles of order and rationality already potent in familial experience. Keys is right to see that Aquinas’s commentary undermines such a reading of Aristotle, but there is, in fact, much more (and better) evidence to this point than she adduces. The most telling indicator of Aquinas’s view in the first ‘lectio’ of his commentary on the *Politics* is the basic rubric by which he explains Aristotle’s argument.

Aquinas frames the famous Aristotelian ascent to political community according to a six part schema. We have already discussed enough of Aristotle’s account to see that a simple linear progression from personal associations to households to villages and finally to cities does not adequately describe the complexity of the genealogy. The basic structure of Aquinas’s organization of the associations appears in the following table.

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<sup>84</sup> 1252b15-26. Quoting Homer, *Odyssey* 9.114-115.

Table 1. Associations Leading to Political Community

Kind of Association	First Association	Second Association
<b>Associations of Persons (n. 6)</b>	<b><u>Man – Woman</u></b> <ul style="list-style-type: none"> <li>• Basic Principle: Appetite</li> <li>• Basic Purpose: Necessity (Sexes cannot exist without each other)</li> <li>• Nature’s Intent: Reproduction</li> </ul>	<b><u>Ruler – Subject</u></b> <ul style="list-style-type: none"> <li>• Basic Principle: Choice, Exercise of reason for mutual benefit.</li> <li>• Basic Purpose: Welfare</li> <li>• Nature’s Intent: Preservation</li> </ul>
<b>Household Associations (n. 11)</b>	<b><u>First Household</u></b> {domus prima}: Comprised of first two associations <ul style="list-style-type: none"> <li>• Man-Woman: Reproduction</li> <li>• Master-Slave: (specific instance of ruler subject)</li> <li>• Basic Purpose: Every day needs</li> </ul>	<b><u>Second Household:</u></b> Father-Son / Parent-Child <ul style="list-style-type: none"> <li>• Basic Principle: <i>Prospective</i> rational capacity</li> <li>• Basic Purpose: (Education of the children in virtue, ST, Supp. 49.2 ad 1)</li> </ul>
<b>Associations of “many houses” (n. 13)</b>	<b><u>Village</u></b> {vicus} <ul style="list-style-type: none"> <li>• Basic Purpose: Periodic external activities</li> <li>• Principle of Growth: Reproduction</li> </ul>	<b><u>Political Community</u></b> {civitas} (n. 17) <ul style="list-style-type: none"> <li>• Basic Purpose: Full sufficiency for life (villages combine trades)</li> <li>• Ordered to Virtue: Living well</li> </ul>

The first notable characteristic of this schema is that for each kind or stratum of association, Aquinas distinguishes two sub-types of association. Such sub-types are immediately suggested by Aristotle’s identification of male-female and master-slave relationships within the household, but a couple of features make Aquinas’s categories noteworthy. First, Aquinas makes a distinction between “first” and “second” households that Aristotle does not. The associations of male-female and master-slave comprise what we call the ‘domus prima’, Aquinas says, and it is distinguished from another formed by fathers and sons.<sup>85</sup> Although this personal association is obviously caused by male-female

<sup>85</sup> n. 11. Although Aquinas does not explicitly refer to the association of fathers and sons the ‘domus secunda’, he clearly intends this kind of dualistic account of the household since (a) he does refer to a ‘domus prima’ distinct from another association within the household {alia communicatio personalis quae invenitur in domo}, and (b) a dualistic account of the household corresponds to specifically named “first” and “second” sub-types at the other levels of association.

procreation, Aquinas classifies it as a “second household.” Aristotle does, of course, distinguish the parent-child relationship from among the others within the household, but he does not attribute a distinct household classification to it, and, in fact, largely fails to follow through with the consideration of it that he promises early in the *Politics*.<sup>86</sup> The second, and most notable, aspect of Aquinas’s schema is that he distinguishes the village {vicus} and political community {civitas} as first and second associations within the same basic class, viz., those formed out of the association of many households. As Aquinas understands Aristotle, “he says first that we call the first association of many households a village, and we call a village the first association in order to distinguish it from the second association (i.e., political community).”<sup>87</sup> Now, this gloss suffers the immediate liability of appearing to excise the village as a developmental stage between the household and the city. The village, Aristotle says, is formed when several households join to address periodic needs, and the city is formed when several villages achieve a complete sufficiency for life.<sup>88</sup> However, Aquinas does not suggest any such lacuna, affirming himself that “the political community is composed of many villages, just as the village is composed of many households.”<sup>89</sup> Thus, he appears instead to take the confused position that the political community is both an association of many households and an association of many villages. The obvious question is that if the village is itself an association of households, why take the political community also to be

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<sup>86</sup> I.12-13, 1259a37-1260b26. As Mary Nichols notes, Aristotle is “virtually silent about the relationship between parents and children.” Although Nichols’s interpretation of the Aristotelian relationship between the family and political community is largely consistent with that of Aquinas, she notes that for Aristotle the parent-child relationship is the third part of a single household. Aquinas’s distinction of a “second household,” then, is at least a formal innovation. Mary P. Nichols, *Citizens and Statesmen: A Study of Aristotle’s Politics*, (Lanham, MD: Rowan & Littlefield Publishers, 1992), 13-52, 33.

<sup>87</sup> n. 13. “Dicit ergo primo, quod prima communicatio quae est ex pluribus domibus, vocatur vicus: et dicitur prima ad differentiam secundae quae est civitas.”

<sup>88</sup> I.2, 1252b15-b29.

<sup>89</sup> n. 17.

an association of households, rather than simply an association of villages? The answer is to be found in attending to the two basic principles that distinguish the ‘first’ and ‘second’ associations in Aquinas’s rubric. The first association of persons, i.e., male-female reproduction, is dictated (1) by necessity, inasmuch as neither sex can exist without the other, and (2) by appetite, since the reproductive drive results from a natural desire in all things to propagate their own kind. Conversely, the basic association of ruler and subject is based upon choice informed by the exercise of reason for mutual benefit. Welfare {salus}, rather than the necessities of mere existence, is its fundamental purpose.<sup>90</sup> The ‘first’ and ‘second’ associations that Aquinas delineates develop according to these basic principles, respectively. First associations extend via a reproductive principle and are oriented toward the necessities of life. Male and female joined in reproduction form households and (along with the master-slave relationship) cooperate to provide daily necessities. The village naturally results as families grow, and an extended network of households ally for the sake of less immediate needs. Second associations, in contrast (though not in conflict), develop according to a rational principle of heightened welfare. Virtue and mutual benefit become the goals as the “economic or social framework...awakens certain other needs and potentialities in members; the new structure allows and indeed stimulates what had never happened before, because the opportunities had not been there.”<sup>91</sup> Although Aquinas does not elaborate on the parent-child relationship in his commentary on the *Politics*, he indicates elsewhere (in keeping with Aristotle’s views) that the natural desire, good, and responsibility of parents is to inculcate a rational possession of moral virtue in their children. Partnership toward this

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<sup>90</sup> nn. 6-7.

<sup>91</sup> Aristotle, *Politics: Books I and II*, trans. Trevor J. Saunders, Clarendon Aristotle Series (New York: Oxford University Press, 1996), 68. Saunders continues, “[An extended form of association] is natural not only in satisfying existing and felt natural impulses, but in calling forth existing and so far unfelt ones.” This, he says, provides “sensible content” to Keyt’s principle of the ‘transitivity of naturalness’.



goal is, in fact, a primary marital good.<sup>92</sup> On this understanding, the rational concern for goodness and justice that Aristotle says “makes” a family is not externally imposed or inculcated by a political regime, but instead intrinsically characterizes relationships within the household. It is true, of course, that both philosophers emphasize the importance of good laws to successfully training youth in virtue,<sup>93</sup> but Aquinas’s distinction between first and second households emphasizes that this legal role is essentially an elaboration of purposes intrinsic to family life.

It is apparent, therefore, that Aquinas categorically connects rational concern for virtue and the good life in both family and city. In this respect, the city should be seen as an association of households—insofar as it extends and perfects concerns central to the best expressions of family life. Likewise, the connection between family and city is direct because the village forms and operates on the basis of different principles, i.e., basic necessities and reproduction. Nevertheless, the village *does form* a developmental link between household and city insofar as reproduction and material exigencies are the proximate causes of communal expansion. The village constitutes the extended associational infrastructure from which cities emerge. As Aquinas explains it, guild-oriented villages combine to secure complete material sufficiency in cities, the smiths of one village complimenting the weavers in another and so on.<sup>94</sup> Given that these extended associations arise from households, patriarchy is the default form of order. At this point a crucial transition punctuates what has been a seamless expansion of human associations.

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<sup>92</sup> See for example, ST, Supp. q. 49, a. 2 ad 1; I-II, q. 94, a. 2; CNE, VIII, Lec. 12, n. 1724. Cf. ST, I-II, q. 100, a. 5 ad 4; II-II q. 57, a. 4 ad 1. Very helpful discussion of Aquinas’s specific treatment of the family as well as more expanded Thomistic views can be found in Finnis, *Aquinas*, 143-154; Anthony L. Ostheimer, *The Family: A Thomistic Study in Social Philosophy*, Catholic University of America. Philosophical studies v. 50 (Washington: The Catholic University of America, 1939); Johannes Messner, *Social Ethics: Natural Law in the Modern World* (St. Louis, MO: B. Herder Book Co, 1949), 397–421.

<sup>93</sup> Aristotle, *NE*, X, 9, 1179a35-1181b25; Thomas Aquinas, *ST*, I-II, q. 95, a. 1; q. 96, a. 2.

<sup>94</sup> *Comm. Politics*, n. 17.

Aquinas says that Aristotle “demonstrates” the natural familial growth of villages by noting that the first political communities were ruled by kings. Monarchy is most natural to clans ruled by a patriarch and is the form of rule, Aristotle notes, common among nations.<sup>95</sup> In Aquinas’s Latin, a king may rule over a *civitas* or a *gentes*, and by some transformation, the patriarchal rule of a village may become the kingly rule of a political community, instead of remaining on its natural trajectory toward the paternal dominion of a *gentes*. Of course, we must immediately clarify what we mean by ‘natural’ here. If we take ‘natural’ in the sense of spontaneous or strictly organic, the reproductive mode of growth that engenders villages would seem to ‘naturally’ become a patriarchal nation. In this sense nature is juxtaposed to reason. However, if we take ‘natural’ to denote the final end or telos of a thing, what is ‘natural’ to a rational being such as man follows from what is reasonable, given the kind of creature he is. In this sense ‘nature’ follows reason.<sup>96</sup> Thus, in human associations what is ‘natural’ must be understood in these two senses. Aquinas, it is evident, does not posit an incompatibility between the two inasmuch as a rationally guided ‘second’ association is found at every level of his schema.

By these lights, we can ask, how does Aquinas understand the transformation of the familial order of the *vicus* into the political order of the *civitas*? As we noted above, given the organic growth of the village, one might be inclined to infer the introduction of a rational principle that transforms familial order into political order. On this picture, the Cyclops-like rule of an absolute patriarch dispensing “sacred law to children and wives” is replaced by the free association of rational beings. In contrast, Aquinas’s schema highlights the essentially rational nature of paternal rule. It is a concern for the true good

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<sup>95</sup> *Politics* I. 2, 1252b20.

<sup>96</sup> Cf. Richard Kraut’s helpful discussion of the naturalness of the city in *Aristotle*, 240-46.

of the child, which places questions of goodness and justice at the center of domestic life. On this account, the basic nature of patriarchal rule must be seen differently. Whereas it is true that it springs from an organic reproductive principle, and is in a fundamental way strictly necessary or non-rational, it is equally clear that it naturally operates and matures according to a rational intention toward the child's welfare. One might say that while it comes into existence for the sake of mere life, it exists for the sake of a good life. Viewed in this way, the patriarchal order that extends with the wider association of households is fundamentally ordered to the good and virtue of its subjects. Certainly the affection of a father attenuates with decreased consanguinity, but that is insufficient reason to posit the arbitrariness of the Cyclops in lieu of paternal benevolence. No, insofar as the principle of paternal rule is innate orientation to the good of the subjects (children, in the first instance), this implies attentiveness to their capacities and development. Political community, therefore, does not represent a *conversion* to a rational (as opposed to necessary or organic) pursuit of the good life. A reasoned pursuit of common welfare motivates key subpolitical associations from which the city is formed. One may even wish to push the point a step further. Given that (a) the first political communities arose from patriarchies, and (b) the general benevolent orientation of paternal rule suggests, in principle, an appreciation of the rational capacities for virtue and self-governance possessed by most adult subjects brought within an extended familial order, then (c) there is little reason to suppose that we do not have the patriarch himself to thank for the very great good of establishing the first political community.<sup>97</sup>

This is not to imply, it should be said, that there is a necessary or automatic connection running between household and city. This would veer into the domain of an organic, spontaneous growth which most Aristotelian scholars rightly reject. The

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<sup>97</sup> See Aristotle, *Politics* I.2, 1253a30.

“biological model,” Saunders observes, fails inasmuch as the state does not represent a “single animal body but an aggregation of animals in complex and variable relationships.”<sup>98</sup> One may even concede the “fragility” of political order which scholars such as Bernard Yack are eager to foreground.<sup>99</sup> Insofar as the best life in both family and city develops within the realm of rational choice, steps toward the good are not simply spontaneous. Whereas most parents evince an innate affection for their children and a willingness to contribute to their good, full paternal virtue is expressed in decisions to act rationally and consistently for the child’s good. Just as all parents cannot be relied upon to elevate their innate desires and the necessities of the ‘first’ household to the rational pursuit of goodness of the ‘second’, neither Aristotle nor Aquinas wish us to view the natural growth of political community as a necessary or simply organic fruition of human impulses. The exercise of rational choice defines human potentials, and this entails that the best and highest we can achieve is never simply automatic.

The upshot is that Aquinas’s understanding of the development of political community does indeed emphasize the degree to which there is continuity, a common *ratio*, between the ‘matter’ of the city and its final political ‘form’. This integrated understanding of political community is denoted by his metaphysical use of the term ‘species’, and its political implications are borne out in his careful structuring of the famous “Aristotelian ascent” to political community. In later chapters we will consider more directly the nature of familial association and ultimately how it substantively differs from political association. The account presented here, of course, must be able to explain Aristotle’s basic assertion that the difference between domestic and political rule is one

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<sup>98</sup> *Politics: Books I and II*, 62.

<sup>99</sup> *The Problems of a Political Animal: Community, Justice, and Conflict in Aristotelian Political Thought* (Berkeley: University of California Press, 1993), 1–5, 88–108.

of kind, not merely degree.<sup>100</sup> More discussion is required to understand that point and to relate it to what has been argued here. For the present, the limited but essential aim has been to underline the fundamental continuities which explain subpolitical and political associations and thus illuminate the logic underlying both Aristotle and Aquinas's use of the body metaphor.

We have left to consider the political implications of the second major aspect of Aquinas's metaphysical doctrine of 'species', namely, how this particular metaphysical understanding informs our understanding of the priority relationships implied in the body analogy. It is, in fact, the discussion of priority relationships within the city that prompts Aquinas to explicitly invoke the distinction between special and material parts and to cite the sections in Aristotle's *Metaphysics* which explicate the significance of the distinction. If my argument has been successful, however, an essential part of what Aquinas intends is to draw attention to the way in which the very 'parts' under discussion possess definitional priority over the city. As I noted before, this is the only reading that saves his comments from superfluity since the most obvious implication of the body metaphor is material priority of the city over individuals and families. The force of Aquinas's comments is to limit or qualify the city's priority by suggesting an essential way in which the city's parts may be taken as prior to it. As the sections to which Aquinas refers in the *Metaphysics* demonstrate, the concept of special parts increases the importance of matter to understanding the essence of a thing inasmuch as some material parts are definitionally prior to the essence of the whole. This claim relies upon a fundamental distinction between common and particular matter. *Common* material parts, i.e. material parts logically universalized, may become part of the ratio or definition of what a thing is. Moreover, we have seen that this line of thinking is corroborated by Aquinas's

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<sup>100</sup> *Politics* I.1, 1252a7-23.

understanding of the essential components of the city. Insofar as it is human persons alone who are possessed of reason, and it is the ‘second’ household in particular which Aquinas identifies as the rational association from which the city principally derives, it appears inescapable that Aquinas wishes us to understand persons and families as both special and material parts of the city. Accordingly, we should understand ‘man’ and ‘domus’ as special, defining parts of the political community, but on the other hand, Socrates and Socrates’ household as material parts of Athens.

But how does this work? The immediate difficulty we encounter is that definitional priority appears to run in both directions. What we take the political community to be—its purpose and fundamental essence—is understood in terms of human nature and familial flourishing. Whatever else political community is, it is an association that takes the maturation of human persons and families to be essential to its purpose. On the other hand, Aquinas says that material parts are those in the definition of which we posit the whole.<sup>101</sup> If individuals and families are material parts of their political communities, then the city would seem to define persons and families. This is certainly the picture we get in the immediately subsequent body metaphor. “Every part,” Aquinas says, “is defined by its activity and the power by which it acts. For example, the definition of a foot is that it is the bodily member enabling a human being to walk.”<sup>102</sup> Therefore, it would seem that in order to avoid a vicious definitional circularity we must find a way of ranking or qualifying the definitional priorities, or failing that, seriously question whether the argument up to this point, i.e., that Aquinas wishes us to take ‘man’ and ‘domus’ as special parts of the city, must finally be abandoned.

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<sup>101</sup> *Comm. Politics*, n. 22.

<sup>102</sup> *Ibid.*

There is, however, good reason to qualify and subordinate the definitional priority running from city to individual and family. The simple reason for this is that, as both Aristotle and Aquinas hold, particular things are not susceptible of definition.<sup>103</sup> ‘Socrates’ cannot be defined with reference to the city because Socrates cannot be defined at all. Definition occurs on the level of universals. ‘Man’ is a species capable of definition, of which this particular man is an instance, but particularity includes characteristics not essential to the definition. Therefore, if we are to speak of particular individuals and families as *defined* in terms of their part within the political whole, it must be a qualified definition, viz., a definition *qua parts* of the political community. Socrates does not exist as ‘man’, therefore, in the same way that a hand is part of the whole body. Rather, his role as citizen is defined as an operation relative to the whole community.

This point brings the argument back around to Aquinas’s identification of families and political communities as ‘ordered wholes’, inasmuch as the parts of ordered wholes essentially have functions and capacities which do not belong to (or, are not ‘of’) the whole. The particular person’s existence as part of a political whole only represents a part of who the person is. Man is a rational, domestic, and political animal, and both of the first two defining characteristics imply activities and associations that are *not* subsumed in his political nature. As we saw above, the nature of an ordered whole entails that the operation of the parts are not even *primarily* that of the whole. The formal principle that emerges, then, is this: Insofar as individual men and families are parts of the political community, i.e. to the degree that the flourishing they seek—which gives rise to the political community—is found on the level of the political community, they form a unit with other men and families whose concerted effort is oriented to bringing that about.

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<sup>103</sup> Comm. *Metaphysics*, n. 1493.

‘Man’ and ‘family’ are definitionally prior to ‘city’ insofar as their essence or logic permeates the nature of political association. Conversely, *this* man and *this* family are posterior to the community insofar as they function within a larger whole whose purpose transcends the particular insofar as it comprehends and orders the goods of all individuals and families within the community. In this way it is structurally oriented to what is essentially good for man, rather than what is immediately desirable. Because of this, at times private goods must of necessity be sacrificed for the common good.<sup>104</sup>

The resulting Thomistic principle appears to be not far removed from Jacques Maritain’s basic distinction between *personality* and *individuality*. Maritain employs this distinction to characterize the relationship between the individual and political community in a two-fold manner: “[J]ust as the person requires society both on account of its abundance or as a person, and on account of its poverty or as an individual, so the common good, by its very essence, directs itself to the persons as persons and directs the persons as individuals to itself.”<sup>105</sup> Maritain’s analysis goes somewhat beyond that which Aquinas employs here inasmuch as his concept of ‘personality’ is grounded in the “radical generosity” of the soul and its final ordination to eternal beatitude in God.<sup>106</sup> This articulates content of the human essence which, while certainly consistent with Aquinas’s views, goes well beyond the metaphysical categories Aquinas uses to make his argument. The subordination of the individual to the common good, however, is a more direct corollary. ‘Individuality’, for Maritain, derives from the human person’s

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<sup>104</sup> See, for example, ST, I-II, q. 19, a. 10. Note that Aquinas is clear that one is not amiss in desiring one’s private good even when it is in conflict with the common good. Thus, a wife may desire that her husband escape punishment for theft for the sake of their familial good. See also, ST, II-II, q. 64, a. 2 for Aquinas’s rather brusque deployment of the body metaphor in the context of capital punishment; a diseased member must be cut off for the health of the body; q. 64, a. 5: Aquinas argues that suicide is wrong in part because it injures the community, of which every individual is a part.

<sup>105</sup> *Person and the Common Good* (Notre Dame, IN: University of Notre Dame Press, 1973), 76.

<sup>106</sup> *Ibid.*, 38-48.



materiality, deficiency, and ultimate dependence upon society.<sup>107</sup> This, of course, closely follows the Aristotelian justification for subordinating the individual to the political whole: In the final analysis, individuals must be viewed as parts of a whole because they are not self-sufficient for existence otherwise.<sup>108</sup> The basic difficulty with Maritain's position, however, is that even if we wanted to accept his additional step to 'personality' in fleshing out the essential priority of 'man' to the city, over against the subordination of individuals and families in particular, it is still a largely formalistic distinction. How are we to know what aspects of man's individuality are safely subordinated to the political community without injuring his personality? What about the degree to which material goods are integral to the cultivation of one's personality? Are institutions such as the family primarily a function of personality or individuality or can its connection to each be effectively bifurcated?<sup>109</sup> This is not to say that Maritain's distinction is without merit, but simply that it is pitched at a very high level of abstraction that requires detailed

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<sup>107</sup> Ibid., 34-38, 48-49.

<sup>108</sup> *Politics* I.2, 1253a25; Aquinas, Comm. *Politics*, n. 22. There is, of course, great debate over the degree to which Aristotle is willing to contemplate transcendence of the city based upon self-sufficiency. Some interpreters, looking ahead to Aristotle's discussion of kingship (III.13-18), take this self-sufficiency in a philosophical sense. See for example, Robert Bartlett, "Aristotle's Science of the Best Regime," *American Political Science Review*, vol. 88, no. 1, (Mar., 1994), 143-55, as well as Mary Nichols's reply and Bartlett's rejoinder in the same journal, vol. 89, no. 1 (Mar., 1995), 152-160. Nichols' reply draws attention to the fundamental sameness in kind of all people, rooted in the material limitations and exigencies of human nature (154). (Bartlett's retrenchment to a Thrasymachean assertion of dominance is telling (159, fn. 4).) This seems to be very much in keeping with Aquinas's analysis insofar as he gives Aristotle's argument a literal reading. "Self-sufficiency," in the first place, is only of a kind {quasi}, and is fundamentally tied to actual physical independence. Thus, Aquinas posits the extreme asceticism of John the Baptist and St. Anthony the Hermit as possible examples (n. 20). Moreover, their god-like status {quasi quidam Deus} is just that, like God insofar as it is the gift of divine grace enabling a transcendence of human nature. From this point of view, any claim to self-sufficient transcendence of the city based upon philosophical excellence must be backed by real physical isolation. It is worth noting that such an analysis is in keeping with the hylomorphic account of humanity developed in this chapter insofar as it gives real ethical weight to the basic materiality and frailty of human beings. For an extensive treatment of the importance of human dependence to practical reason, see Alasdair MacIntyre, *Dependent Rational Animals: Why Human Beings Need the Virtues*, (Peru, IL: Open Court, 1999), esp. 1-10, 53-146.

<sup>109</sup> Cf. Ralph McInerny's assessment of Maritain's 'person' / 'individual' distinction. McInerny arrives at the similar conclusion that Maritain's position is "puzzling," though for slightly different reasons. Ralph McInerny, *Art and Prudence: Studies in the Thought of Jacques Maritain*, (Notre Dame, IN: Notre Dame University Press, 1988), 79-83.

analysis and application. However, one can appreciate the importance of general principles derived from this basic structure, such as that the subordination of the individual to the common good must not be done in any way consonant with to the essence of man. Or, in Maritain's argot, individuality must not be sacrificed in a way that destroys personality.

It must be admitted that this analysis does not entirely dispose of the problem of definition. I have argued that the radical implications of the body metaphor must be taken in a limited sense which allows for the subordination of particular people and families, not the essential derogation of 'man' and 'family' vis-à-vis 'political community'. Aquinas takes the definitional primacy of the city, I have argued, in a limited sense, i.e. with respect to the limited, secondary role persons and families fill as political participants. However, this only suffices to establish a definitional asymmetry between 'man' or 'family' on the one hand, and 'political community' on the other. For if we are really to take 'man' to be in essential part a political animal—as both Aristotle and Aquinas contend—there must be a way to say that the his role within the political community has essential bearing on what we mean when we say 'man'. If this were not the case, in fact, there could be no real justification for saying that *this man* can be sacrificed for the common good in a way required by or even consistent with 'man'. The discussion in the *Politics* which we have considered thus far affirms this basic definitional connection (between 'man' and 'city') first on the basis of physical dependence, and then on the basis of full human flourishing within the community. Yet, Aquinas wants us to see that 'city' is not a rationalized form imposed upon individuals and associations for the sake of a higher level of "perfection." It is definitionally informed by what precedes it. At the same time, it realizes a new degree of completion unavailable to individuals and prior associations and therefore must be incorporated into

a full understanding of what we take ‘man’ of ‘family’ to be. If, as I have argued, this definitional potency of political community does not operate with the absolute primacy which the body metaphor entails, then how is it to be understood? The answer lies in considering the basic nature and structure of human associations (and therefore draws the significance of the family into consideration as well). If we are to say that human nature is fundamentally social, such that common goods are able to decisively trump individual interests, the real goods of association—not simply the necessities, which would allow for instrumental exploitation of social interaction—must be clearly defined and defended. We will turn to this in the following chapter with a discussion of familial relationships. First, a final word about the importance of Aquinas’s analysis of the genesis of the city.

#### **NORMATIVE CONCLUSIONS**

Let me summarily restate the political conclusions of Aquinas’s treatment of the body politic that I take to have real normative force, then I will comment briefly on why I think these normative conclusions follow from an investigation in metaphysics.

1. Against the Rationalization of Politics: Politics is a natural, not artifactual, social practice.
2. Negative implication: Following the analogy from the human designation as a species, politics does not rightly proceed as an *imposition of rationality* (however prudential) upon pre- or non-rational forms of necessary or affective forms of association.
3. Positive implication: Political community is essentially defined by the nature (or ratio) of its basic constitutive parts. Saying what the political community *is* in part requires recurrence to these basic associations. The family, as a primary locus of rationality preceding the city, is a prime “constitutive part.”

4. Priority Relationships: The political community's priority is not a simple primacy in which sub-political units are incorporated as parts into a whole.

The primacy of the political community must be qualified and attached to particular functions and unique goods. (I take this point to be fully consistent with what Aquinas says about the material priority of the political whole, and logically required by his observation that the operations of the parts of an ordered whole are *not primarily* that of the whole itself.)

So, what justifies the basic move entailed in these normative conclusions from the metaphysics of the human person to the basic normative character of political association? We may grant that this does not entail a massive category conflation insofar as neither Aquinas nor Aristotle posits a substantial organic unity in the political community. Both have to be taken as speaking analogically. Yet even on this account, if we want to draw normative conclusions, we have to answer both why the hylomorphic account of the human being is the right one, and why even an analogical movement between the person and the city is justified.

The first thing to say in response is that I cannot say all that would be necessary to a fully satisfactory account of either of these issues. They are complex philosophical issues, and I cannot do much more than locate my analysis within a particular tradition. For purposes of this argument, I have to assume that hylomorphism is an accurate account of human substance. But it is neither an antiquated nor philosophically suspect account.<sup>110</sup>

As to analogical reasoning, although I cannot give anything approaching a full account, I do think there is an inherent plausibility in understanding the nature of basic

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<sup>110</sup> For a recent defense of hylomorphism in analytic philosophy and an account of its implications in contemporary politics, see Patrick Lee and Robert P George, *Body-Self Dualism in Contemporary Ethics and Politics* (Cambridge: Cambridge University Press, 2008).

human associations in terms of the nature of the human person. For if the human person and its constitutive goods represent a fundamental unity between matter and form entailing the rational embodiment of human flourishing, we should expect associations—which are themselves oriented to the goods of those who form them—to reflect that same embodied rationality. This entails that just as we should not expect to abstract the human good from its intrinsic embodiedness, we should not anticipate that associations uniquely oriented to those embodied and particular goods can be superseded or transcended by a rational political principle—however essentially human it is itself. The inverse of this observation is that we should anticipate that even those associations most connected with embodied and particular goods (i.e., reproduction, daily necessities, etc.) will reflect an essential human rationality. Just as it is a mistake to abstract rationality from animality, it is likewise a mistake to abstract animality (or embodiedness ) from the basic rationality of human actions and relationships. Thus, contrary to some assessments that the idea of the body politic is helpful only if purged of Aristotle’s “bizarre” metaphysics,<sup>111</sup> I think it is clear that these metaphysical categories, when properly understood, are actually very suggestive. Moreover, this conclusion is corroborated throughout this investigation by ethical arguments that reach parallel conclusions. To such an argument we now turn in a consideration of the substantive goods of familial association.

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<sup>111</sup> Richard Kraut, *Aristotle*, 275. For a helpful Thomistic account of the structure of practical reason precisely the opposite of Kraut’s, see Yves R. Simon, *Philosophy of Democratic Government*, (Chicago: University of Chicago Press, 1951), 36-71.

## Chapter IV: The Familial Good

Philosophers and political theorists have long taken the family to present great promise, as well as deep problems, for politics. Putting to one side the (relatively) mundane fact that “reproductive labor is socially necessary labor,”<sup>1</sup> the particular character and strength of familial bonds raises pointed questions about the nature of political community and its relationship to the various associations that exist within its jurisdiction. All types of subpolitical association (e.g., friendships, ecclesial and civil associations) raise such questions, but the difficulties are uniquely acute in considerations of family life. The primary reason for this is the peculiar—and peculiarly strong—form that the human experience of *belonging* takes in the family.<sup>2</sup> Whereas friends may over time come to regard each other, according to Aristotle’s famous formulation, as ‘other selves’, family relationships intrinsically form an intricate matrix of organically, biologically linked persons. Family members, to use the literal Greek and Latin syntax, are *of* each other in a unique and potent way.

The argument of this chapter will proceed as follows: first, to consider the basic difficulties that arise from this experience of familial belonging; second, to give particular attention to the nature and complications of belonging as it characterizes the parent-child relationship; third, to reflect on the relational significance of this parent-child belonging, particularly as it addresses the fundamental concerns about the family we begin with; and fourth, in order to demonstrate the immediate political and policy importance of this philosophical consideration of human sociability, to bring this

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<sup>1</sup> John Rawls, *The Law of Peoples: with “The Idea of Public Reason Revisited”*, 1st ed. (Cambridge, MA: Harvard University Press, 2001), 157.

<sup>2</sup> Ecclesial association poses difficulties for political community which are equally important and intractable. They arise from a different source, however, and will not concern us here. For an intentionally provocative, though importantly influential, account from the Anabaptist tradition of this ecclesial tension or conflict with political community, see Stanley Hauerwas and William H. Willimon, *Resident Aliens: Life in the Christian Colony*, 1st ed. (Abingdon Press, 1989).

investigation into dialogue with contemporary liberal theorizing about children's rights and education.

At the outset, a couple of caveats are in order. It should be apparent that I do not attempt to deal with the family in toto. I am not concerned with the marital relationship per se, but only (and briefly) as it relates to the parent-child relationship. Nor am I concerned with gender roles in the family, neither the role that gender plays in structuring the family as a whole nor its significance to rearing children. Given the sources from which I primarily draw (viz., Aristotle and Aquinas), it is obvious that this is a significant historical abstraction.<sup>3</sup> However, it is an abstraction I am comfortable making given that the different ways which fathers and mothers experience connection to their children is not central to my argument, nor, in the final analysis, is that connection strictly biological. (So although I take biological reproduction to be the central case of the human experience of belonging I want to consider here, it is an experience and commitment of interconnectedness which characterizes adoptive relationships as well, and can come to exist between friends.) Moreover, I agree with Susan Moller Okin in maintaining that “nothing in our natures dictates that men should not be equal participants in the rearing of their children.”<sup>4</sup> So although Aristotle and Aquinas gave greater emphasis to the role of fathers in the lives of their children (particularly with respect to education), for my purposes here, it does no violence to their thought largely to prescind from gender differences in order to speak of the *parent-child relationship*.

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<sup>3</sup> It is worth noting that, given my primary concern with the parent-child relationship, there is some authority for giving particular consideration to Aristotle and Aquinas. In his comprehensive philosophical exploration of the topic, Jeffrey Blustein maintains that in the history of Western philosophy, Aristotle and Aquinas are most sensitive to the moral significance of the relationship between parents and children. *Parents and Children: The Ethics of the Family* (New York: Oxford University Press, 1982), 46.

<sup>4</sup> Susan Moller Okin, *Justice, Gender, and the Family* (New York: Basic Books, 1989), 5.

## THE TWOFOLD PROBLEM OF FAMILIAL BELONGING

The philosophical and political concerns with familial belonging may be helpfully distinguished according to two basic elements: particularity and inequality. The first of these finds expression in the earliest elaborations of Western political philosophy by Plato and Aristotle, while the latter is primarily a modern concern (which I will treat within the context of contemporary liberal theory). However, it too derives from problems of which Aristotle and subsequent commentators were well aware and which they explored in the process of unpacking the basic character of familial association. Let us consider these difficulties in turn.

### Particularity and the Aristotelian Dilemma

The community of women and children recommended in Book IV of Plato's *Republic* is, of course, infamous for its rejection of natural family relationships. Socrates proposes a radical restructuring of sexual and familial relationships in an attempt to transfer the particular preferences of home and hearth to the common identity and well-being of the city. The problem, as Socrates saw it, is that the fierce loyalties and intimate relationships of the nuclear family preoccupy citizens with individual concerns, thereby diverting attention from the common good. The basic relationships of the family, therefore, must be reworked in order to harness the possessive power of the family for common benefit. "[M]arriage, the having of wives, and the procreation of children must be governed as far as possible by the old proverb: friends possess everything in common," Socrates opines.<sup>5</sup>

Equally famous is Aristotle's sensible refutation of Socrates's utopian deconstruction (which Plato himself significantly moderated in *The Laws*). While still maintaining and expounding the classical commitment to the primacy of political life,

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<sup>5</sup> Plato, *Republic* 423e6–424a2.



Aristotle defends the very great importance of the nuclear family—not only as a necessary or inevitable component of human life, but as itself a seedbed of social virtue. Debunking Socrates’s vision of tight civic unity, Aristotle observes that political brotherhood in reality relies upon familial fraternity. When the family ceases to be, citizens will not call all men “brother”; they will simply cease to have brothers. Individuals will not count the common stock among their possessions; rather the powerful human motivation for what is possessed and held dear will be lost. Political ties, Aristotle insists, presuppose familial attachments.<sup>6</sup> This critique suggests a marked rejection of the Socratic problem, relying instead on a basic fecundity in familial life to animate political loyalties. And indeed, there are other significant lines of Aristotle’s argument that support such a reading.

For instance, Aristotle is notably sensitive to the importance of the parent-child relationship to one of the city’s primary objectives, i.e., the moral development of children.<sup>7</sup> Although Aristotle is convinced of the necessity of good laws to providing parents with the social structure, punitive force, and ethical insight required to keep children on the path to virtue, he also gives strong support to the role of parents in this process. Parents, Aristotle argues, are not only most inclined to pursue the moral education of their children, they are also uniquely suited to directing the process. The natural affection that develops within the family inclines children to heed parental instruction, and the intimate knowledge that parents have of their children allows them to tailor instructions and discipline according to the needs of individual children. Thus, for the *best* youth (those well-disposed to virtuous activity) legal force is unnecessary and the

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<sup>6</sup> *Politics* II.2-4, 1261a10-1262b35. For a concise and helpful restatement of this argument, see Michael Pakaluk, “Natural Law and Civil Society,” in *Alternative Conceptions of Civil Society*, eds. S. Chambers and W. Kymlicka (Princeton: 2002), 131-148, 140-141.

<sup>7</sup> See Jeffrey Blustein, *Parents and Children*, 35-46, for a helpful discussion of Aristotle’s critique of Plato and analysis of filial relationships.

particularity of parental knowledge might be thought preferable to the moral generalizations of the law.<sup>8</sup>

This argument, it is important to note, serves as Aristotle's transition from his discussion of individual and social ethics to his treatise on politics. Cities in general have no real concern for the moral education of their citizens, Aristotle observes. This is not to say that he is sanguine about the prospects of familial training in virtue. On the contrary, just as most states neglect real virtue, Aristotle notes that most men live isolated and self-centered lives, capriciously ruling households in Cyclops-fashion. Nevertheless, it appears that the moral concern and effective guidance of parents supplies the impetus for moral education, and concern for friends widens immediate familial concerns.<sup>9</sup> From this vantage point, families are naturally oriented toward what it is that good laws should aim to do, and thus it is no surprise that in the opening chapters of the *Politics* Aristotle gives the family pride of place in the associational development culminating in the city. Communication in rational pursuit of the good and the just characterizes not just the city, but the household as well.<sup>10</sup> The family, then, is not just the seedbed of social concern, nor simply the source of particular knowledge and affection essential to effective education, but it would also seem to be a locus of *rational* discourse definitive of the good life. The combined force of these factors prompts Ernest Barker to suggest that for Aristotle, "of the vast majority it is true, that the love of their family [and their professional work] is, and is quite rightly, the sum of their life."<sup>11</sup>

Yet this assessment seems to overstate the case, for there is much in Aristotle's analysis that cuts the other way. In particular, it obscures the degree to which Aristotle

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<sup>8</sup> *NE* X.9, 1179a33-1181b25.

<sup>9</sup> *Ibid.*

<sup>10</sup> *Ibid.*, 1180a30-35, b20-25; *Politics* I.2, 1253a7-17.

<sup>11</sup> *Political Thought of Plato and Aristotle*, 399-400.

appears to subsume other pursuits and associations into political community. For all his appreciation of particularity and familial belonging, it becomes notably overshadowed in Aristotle's thought by the broader dimensions of his ethical and political concerns. Thus, there is much to recommend Jean Bethke Elshtain's complaint that Aristotle presents a "functionalist view" of the family, i.e., that it is merely necessary to the *polis*, but not an integral part of the good life.<sup>12</sup> We should recall that even in his discussion of the educational effectiveness of fathers, Aristotle ultimately deemed the legislator's grasp of universal principles to be superior for moral education. While intimate knowledge may alert us to exceptions from the general rule, it is still preferable for care (and education) to be guided by one in command of scientific universals. One with particular knowledge of a person may be able to contrive effective, perhaps in some cases superior, medical care, but it is still better to have one's illness treated by a physician. Likewise, Aristotle takes the scientific knowledge of the legislator to be superior, and solicitous fathers should study the rational science of morals and law.<sup>13</sup>

Furthermore, Aristotle's almost exclusive focus on the material, commercial concerns of the household in the *Politics* seems to belie his inclusion of the family in activities essential to the good life. It is remarkable, in fact, that he never fulfills a

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<sup>12</sup> *The Family in Political Thought* (Amherst, MA: University of Massachusetts Press, 1982), 12, 51–65; Cf. Arlene W. Saxonhouse, "Family, Polity & Unity: Aristotle on Socrates' Community of Wives," *Polity* 15, no. 2 (December 1, 1982): 202–219 and ; Harry V Jaffa, *Thomism and Aristotelianism* (Chicago: University of Chicago Press, 1952), 184 and; Aristotle, *Politics: Books VII and VIII (Clarendon Aristotle)*, trans. Richard Kraut, Clarendon Aristotle Series (New York: Oxford University Press, 1998). Saxonhouse presents a unique defense of the integral importance of the family to political life: the family mitigates core political problems of justice by providing a model of unity despite fundamental inequalities. This is an interesting suggestion insofar as the family's ability to better solve basic associational difficulties suggests that Aristotle may not view it as merely instrumental to political life. However, for reasons discussed in Chapter VI, I think it is very hard to escape an instrumentalist view.

Jaffa references *Politics* 1337a10, the beginning of Bk. VIII, on the necessity of educating *to the regime*. It's a strong statement that perhaps undermines my characterization of Aristotle's treatment as a "dilemma." However, Aristotle *does* say that the common education should be for common things, which raises the question, what should be taken to be common? Perhaps not everything. Yet, he also criticizes everyone privately teaching what they think is best.

<sup>13</sup> X.9, 1180b5–20.

promissory note (made at the end of Book I) to investigate how moral education should be conducted within the home. Instead, he gives strong indication in Bk. III, Chap. 9, that the associations of family and civil society exist simply as means to the noble pursuits of political life, and his articulation of the best regime in Books VII-VIII suggests that moral education in the home is best if monitored by the state's "child supervisors."<sup>14</sup> Such an innovation seems to reverse any secondary status of politics suggested in NE X.9, instead making the parental role subsidiary to the aims of political citizenship. The family's importance, then, follows from and is essentially contingent upon its necessity and utility in political life.

In sum, while it is apparent that Aristotle rejects Socrates's theoretical deconstruction of relationships of belonging in the family, it is not altogether clear that he views them finally as constituting much more than an instrumental means to the aims of political life. Although he defends the particular bonds of the family against communistic innovation, the intrinsic value of these bonds is unclear. To say that political bonds require familial attachments does not entail that such attachments possess equal or greater importance. They may turn out to be subsumed by the broader purposes of the city and valuable only to the degree that they support those ends. Likewise, the special knowledge of intimate relationships appears for Aristotle to be finally subordinated to the universal dimensions of rational science, and above all this subordination effects education of the young. Here again, the belonging and particularity of the family may engender certain benefits, but these seem ultimately superseded by the more capacious, objective character of political life. There is significant evidence to be marshaled on both sides of the issue in

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<sup>14</sup> See Richard Kraut's commentary in *Politics: Books VII and VIII*, 160. Despite Blustein's praise for Aristotle's treatment of the parent-child relationship, most scholars seem to be frustrated by its thinness. As I have noted, he says a number of things that are very suggestive and then fails to deliver a more robust account. This lacuna has been noted, for example, by Nichols, *Citizens and Statesmen*, 34.

interpreting Aristotle. Suffice it here to say that he was aware of the difficulties involved and provided important resources to sort them out.

These are three areas, then, where the particularity of familial relationships seem to pose problems: (1) In a love of one's own that cuts against commitment to the political common good; (2) In affective attachments that undercut rational commitments to the universality of goodness; (3) Following on this, in the particularity of intimate practical knowledge that needs clarification and systemization in a broader, universal science.

### **Contemporary Concerns with the Inequality of Familial Belonging**

Although contemporary liberal theory has very different preoccupations than the pre-modern concern with particularity and the common good, the distinctions can be over-emphasized. There are persistent difficulties woven into the fabric of human relationships and thus traceable in the history of moral and political reflection. One sees in the contemporary dispute between John Rawls and Susan Moller Okin, for example, an effort to square the particular, intimate arrangements of domestic life with the political or common interest in securing women's civil rights. The question persists: can or should intimate familial arrangements be squared with external moral and political commitments? Rawls, citing the practically secure place of the family in the "basic structure" of society, is disinclined to interfere in the domestic realm by directly subjecting the family to the requirements of political justice.<sup>15</sup> Okin, on the other hand, rejects such passivity, insisting that political justice is, in fact, impossible apart from true familial justice, and thus that the law should mandate equitable social and economic treatment of women in their domestic relations. "Without just families," Okin argues, "how can we expect to have a just society?"<sup>16</sup> In similar fashion, contemporary debates

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<sup>15</sup> *The Law of Peoples*, 156–64.

<sup>16</sup> *Justice, Gender, and the Family* (New York: Basic Books, 1989), 135.

about public and private education in large part concern reconciling political requirements and desiderata with the social and moral commitments of private associations—most often families.

The current concerns with the experience of familial belonging, however, take on a particularly modern character in their focus on the inequality in the parent-child relationship. As we will see, Aristotle and Aquinas are sensitive to this dynamic, but the modern commitment to individual freedom and autonomy invests it with distinctive political urgency. Contemporary liberal theorists are inclined to treat of familial “belonging,” not in the relational and affective sense of personal interconnectedness, but rather as it connotes possession or parental rights. “Belonging” in this sense highlights the fundamental inequality and possibility of dominance that exists in the parent-child relationship. (Okin, Gutmann, Fineman, West, Reich, Dwyer, etc.) These two senses are importantly related, though the relationship is seldom explored. Very often, as is a well-discussed tendency of liberal theory, the parental rights which “belonging” denotes are rebutted with articulations of children’s rights or matched by a defense of communal interests. If belonging is understood in any relational sense, it is as an emotional commodity of sorts to be categorized and dispensed much as food, clothing, and shelter.<sup>17</sup> Children have a need for it, and the family, as an association that “specializes in emotion,”<sup>18</sup> is probably best suited to address that need. But once that box is checked, so

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<sup>17</sup> See Robert Reich, for an example of this, as well as James Dwyer’s argument for a “child’s rights” paradigm for education in their respective contributions to Stephen Macedo and Yael Tamir, eds., *Moral and Political Education*, Nomos 43 (New York: New York University Press, 2002); see also Martha Minow and Mary Lyndon Shanley, “Relational Rights and Responsibilities: Revisioning the Family in Liberal Political Theory and Law,” *Hypatia* 11, no. 1 (January 1, 1996): 4-29. Minow and Shanley provide a helpful categorization of the ways in which the parent-child relationship tends to be discussed: social-contractarian, communitarian, and rights-based. They offer a helpful defense of a *relational model*, although they argue that it should be taken combined with a rights-orientation focused on the interests of children. This is fair enough as a formal matter, though as Reich points out, the rub is: Who has authority to determine what those interests are? (285)

<sup>18</sup> Stanley Hauerwas, “The Moral Meaning of the Family,” *Commonweal*, August 1, 1980, 433. I merely employ Hauerwas’s descriptive phrase, without attributing to him the view I’m outlining.

to speak, you should move on to talk sensibly about children's *real, prospective* interests as maturing adults and future citizens. For many contemporary theorists, then, "belonging" tends to be treated as either a highly suspect form of possession or a merely affective, albeit necessary, commodity.

Along these lines, Susan Okin is concerned that in addition to masking the inequality of gender roles in the family, the inequalities present between parents and children serve to normalize unjust social paradigms for impressionable children.<sup>19</sup> Amy Gutmann gives a much more strident analysis of this dynamic, arguing that families *intrinsically* stunt the development of children by (at least) "implicitly foster[ing] disrespect for people who are different," necessitating the intervention of the state to equip children with the skills necessary for "rational deliberation among ways of life"—particularly those different from their parents. The family produces people ruled by "habit and authority," rather than citizens with the capacity for autonomous self-government required for self-fulfillment and good citizenship.<sup>20</sup> The concern of liberal theorists with the self-preferential and perpetuating modes of traditional family life is two-fold, Gutmann explains: First, *political liberals* worry that the basic virtues of tolerance and openness upon which liberal democracies rely is undermined (and here we have another iteration of the particular/universal problem); second, *comprehensive liberals* share the deeper fear that the autonomous intellectual maturity that healthy human development requires is vitiated in the radically unequal and fundamentally self-serving parent-child relationship.<sup>21</sup>

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<sup>19</sup> Okin, *Justice, Gender, and the Family*, 17–23.

<sup>20</sup> *Democratic Education*, 30–31, 51. William Galston rejoins very sensibly in part that both civic tolerance and deliberation are "perfectly compatible with unswerving belief in the correctness of one's own way of life." *Liberal Purposes*, 253.

<sup>21</sup> "Civic Education and Social Diversity," *Ethics*, vol. 105, no. 3, (Apr. 1995), 557–579.

By suggesting that these contemporary concerns are frequently expressed with an insufficient attention to the complexity of relational belonging—focusing only on its negative potential for possessive domination—I do not want to imply that no genuine problem is raised. Certainly in relationships of belonging close identification between the parties introduces the possibility of viewing the other, whether consciously or not, primarily as an extension of oneself or effectively as a means to one's own enjoyment or personal aims. The very personal identification parents often have with their children amplifies this possibility, and there is little reason to think that the intensity of parental love altogether precludes it. Moreover, it is not difficult to see that the extreme inequality of the parent-child relationship creates the possibility of such misguided possessiveness going unchecked and having long-term ill effect. Children are simply very vulnerable, and they are particularly vulnerable to their parents.

One need not tend toward criticism of family relationships to recognize this point. Alasdair MacIntyre has helpfully analyzed much the same worry in terms of the process whereby children move from all but entire dependence upon their parents to the mature exercise of independent practical reason.<sup>22</sup> Due to their complete dependence on adult caregivers, every child quickly learns from experience that desire satisfaction requires pleasing adults. In this significant way, the desires of children are filtered through the desires and aims of their parents for them. Due to this and the close affective bond between parent and child, a child will not necessarily clearly differentiate between personal desires and those presented to him by authority figures. Yet such a differentiation, MacIntyre argues, is not simply necessary to self-awareness or independent self-perception. It is also necessarily precedes the further ability to

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<sup>22</sup> *Dependent Rational Animals: Why Human Beings Need the Virtues* (Chicago, Ill: Open Court, 2001), 83–90.



distinguish between oneself and one's current desires or "subjective motivational set." And in order to function independently as a practical reasoner, one must be able to distinguish present desires or felt needs from one's true self or true good objectively conceived and work to transform those desires to conform with one's rational good. Thus, MacIntyre observes that "[f]ailure as a practical reasoner to be able to separate oneself from one's own desires characteristically results from a failure to make oneself sufficiently independent from those on whom one was dependent in infancy and who initiated one into practical reasoning."<sup>23</sup> So whereas MacIntyre would not generally support Gutmann's critique of familial education, and would explain the problem more in terms of filial dependence than parental self-interest, both theorists share a concern with the intrinsic inequality of parent-child relationships and the deep challenges it poses for finally achieving mature adulthood.

The reason for their *disagreement* at this point, of course, springs from contrary underlying theories about the nature of rational inquiry and autonomous moral agency. What is for Gutmann the oppressiveness of habit and authority is for MacIntyre the rationality of tradition. Expanding on Aristotle's basic insight that all rational inquiry necessarily proceeds on the basis of some starting point, MacIntyre contends that rational inquiry cannot be adequately conceived apart from a tradition in which the standards of rational justification emerge and are vindicated in the debate and experience of that tradition.<sup>24</sup> Therefore, raising children within a particular tradition does not inherently deprive them of the exercise of independent rationality, it is a necessary preparation for it (when rightly done). Leaving this basic dispute aside, however, we see in MacIntyre's affirmation of "the ordinary good mother"—despite an educational process "fraught with

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<sup>23</sup> *Ibid.*, 83.

<sup>24</sup> Aristotle, NE I.4, 1095a30-b12; *Whose Justice? Which Rationality?* (Notre Dame, Ind: University of Notre Dame Press, 1988), 6–10.

imperfections”—a fundamental demur from the common identification of familial belonging with possessiveness and self-interest.<sup>25</sup> In MacIntyre’s account, the love, recognition, security, and instruction that ordinary parents provide their children, not only serves to meet emotional needs and provide a sense of self-worth, but also essentially informs a relational environment in which a child’s rational maturity and independence are fostered.

These differing assessments of familial belonging highlight an important fact that accounts for the focus on relational and ethical analysis in this discussion: It is clear that much of the contemporary concern with familial belonging in its *political dimensions* follows from conclusions about its basic character in *ethical and relational dimensions*. Contemporary theorists are often stuck in the difficult position of acknowledging the practical necessity and affective primacy of the family, while seeking to undo or circumvent by political means the damage parents do to a child’s personal development. Family may be necessary as an importantly emotionally charged environment, but it is also, perhaps precisely for that reason, a realm of possessive belonging in which the inclination to control or manipulate requires that its vulnerable members be given “safe haven.”<sup>26</sup> Stanley Hauerwas helpfully summarizes the dilemma the family poses for the liberal tradition:

In spite of our claim that the family is the bedrock of our society, the family has always been an anomaly for the liberal tradition. Only if human beings can be separated in a substantial degree from kinship can they be free individuals subject

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<sup>25</sup> *Dependent Rational Animals*, 89. What MacIntyre’s “ordinary good mother,” provides generally are: (1) Security in setting, (2) Responsive recognition, not retaliation and insistence upon the child’s adaptation to her, (3) Unconditionally preferential stance toward *this* child in which the needs of the child are paramount. These characteristics provide MacIntyre’s baseline; further aims and characteristics of parental education will be discussed in what follows.

<sup>26</sup> Robin West, “The Harms of Homeschooling,” *Philosophy and Public Policy Quarterly* 29, no. 3/4 (Summer/Fall 2009): 9. I will have more to say about West’s provocative argument below.

to egalitarian policies. Thus we assume...that it is more important to be an “autonomous person” than to be a “Hauerwas” or a “Pulaski” or a “Smith.”<sup>27</sup>

In similar fashion, the political dimensions of what I have called the “Aristotelian dilemma” seem to follow directly from Aristotle’s ambiguity about the value of particularity in familial belonging. Whether or not the family plays a fundamentally instrumental role in the city in large part turns on its connection to human flourishing. And that question turns largely on whether we take the intimacy, affection, and belonging of familial relationships to serve merely affective needs and desires or to be more directly connected to the rational human good. Thus, two primary questions need to be dealt with in considering the place of the family in political life: What is the nature of familial belonging, particularly in the parent-child relationship? And what are the goods realized in that relationship, particularly as they relate to achieving the full rational maturity of the child? As will become evident toward the end of my argument, this concern with full rational maturity is situated within a larger concern to adequately appreciate and account for a child’s present actuality or being in addition to his prospective potentiality or becoming.

### **THE NATURE OF PARENTAL LOVE**

For Aristotle, family relationships should be joined with those of the closest of friends in their fundamental difference from relationships of agreed upon mutual advantage. As distinct from the myriad temporary alliances we form and dissolve on a regular basis—and even from the common good characteristic of citizenship—kin and comrades regard one another with a unique kind of disinterestedness.<sup>28</sup> There are, of course, very important distinctions between Aristotle’s understanding of friendship

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<sup>27</sup> Stanley Hauerwas, *A Community of Character: Toward a Constructive Christian Social Ethic* (Notre Dame, Ind: University of Notre Dame Press, 1981), 81.

<sup>28</sup> VIII.12, 1161b15-35.

proper and the relationship between family members. The greatest difference is found in the parent-child relationship inasmuch as it is a relationship of fundamental inequality. Brothers are the paradigmatic case of friendship (and the best of friends are wont to liken themselves to brothers).

On the other hand, although we may not wish to identify the parent-child relationship as the central case of friendship, it may well be the highest case of the love according to which friendship is centrally defined. As Lorraine Pangle points out, it is in describing the love of parents for children that Aristotle first employs his famous formulation of friendly love as regarding the friend as an “other self.”<sup>29</sup> (In this respect, it is notable that in his comment on Aristotle’s remark that all familial friendship depends upon parental friendship, Aquinas seems to expand the point by saying that *all* friendship refers to parental friendship insofar as it is the nearest to self-love, from which friendship is fundamentally derived.<sup>30</sup>) Parents, indeed, have a unique basis for this kind of relationship insofar as their children are literally “of themselves,” springing from the genetic union of father and mother and remaining biologically dependent upon mothers for some time.<sup>31</sup>

The immediate organicity of the bond, in fact, generates conceptual (and experiential) difficulties with the relationship. There is an important distinction, it would

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<sup>29</sup> Lorraine Smith Pangle, *Aristotle and the Philosophy of Friendship* (Cambridge: Cambridge University Press, 2003), 87.

<sup>30</sup> CNE, nn. 1705-06. Cf. Michael Pakaluk’s commentary in Aristotle, *Nicomachean Ethics: Books VIII and IX*, trans. Michael Pakaluk, Clarendon Aristotle Series (Oxford: Clarendon Press, 1999), 128–129. Pakaluk considers a number of interpretations for Aristotle’s comment here, and Aquinas’s is not among them. Without negating the validity of Aquinas’s general point, it does perhaps indicate that he was interested in more directly tying parental love into a broader context of friendship than was Aristotle.

<sup>31</sup> This latter point supports Aristotle’s observation that maternal affection tends to be greater than is paternal. It is worth noting, therefore, that I do not wish to make any distinction between paternal and maternal love in my analysis. Whereas it is certainly the case that a mother has a greater physical connection to a child by virtue of its gestation and early dependence, the paternal physical bond is equally real, if initially more abstract. And at any rate, the argument does not *depend* on an actual genetic relationship inasmuch as a full parental love may characterize adoptive parents.

seem, between the relationship of *belonging* that derives from the physical generation of children from their parents' bodies and the personal differentiation entailed by the formulation 'other self'. "Belonging" at least suggests the possibility of simply being regarded as part of or appurtenant to a possessive whole. Aristotle raises this possibility, in fact, with a startling analogy: "For that which has sprung from a thing belongs to its source, for example, a tooth, a hair, and so forth belongs to its owner." Both share the characteristic of generation in some way from one's body, and the source, Aristotle says, "does not belong at all—or only to a lesser degree—to that which has sprung from it."<sup>32</sup> As Aquinas puts it, parents view their children as existing as part of themselves {utpote pars existens} or as separable parts of a whole {sicut partes separabiles ad totum}.<sup>33</sup> Now, the force of this worry is certainly mitigated by its context. After all, Aristotle's point is that parents love their children *more* than children reciprocate precisely because parents are aware of and intimately experience a child's connection to themselves. And, as I noted, Aquinas is quick to draw essential connections to friendliness in general, not just relationships within the family.

At the same time, it is a mistake to move too quickly over the difficulties posed here. The experience of belonging—an immediate awareness that this child is *of oneself*—poses the risk of failing to take adequate cognizance of distinct personhood. A child's existence as a *part* of one's self is, of course, merely "so to speak," but it is rooted in a real biological priority of parents that plays itself out relationally. Genuine ethical concerns are naturally raised by these physical and psychological realities. If I perceive this child as a "separated part" of me, am I not inclined to view his good as appurtenant to my own and shape it according to my own wishes? (Here the difficulties of inequality

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<sup>32</sup> 1161b20

<sup>33</sup> ST, II-II, q. 26, a. 9; CNE, VIII, Lec. 12, n. 1708.

are also evident in the part/whole analogy.) Or, if the child is “of me,” i.e., generated from my body, do I not have a right, as against the state, the community, or perhaps the child himself, to continue to direct and shape his personality and education? (It perhaps exaggerates the issue somewhat to say “*I*” rather than “we” brought him into existence. Surely the reality of “we” is an important factor here, and I will address it shortly.) Whether or not these impulses rightly characterize common parental responses, they are the sorts of worry that often motivate criticism of “parental rights” or an “expressivist” model of the family.<sup>34</sup> The basic concern, it would seem, is that the self-preference to which all people are generally prone is in important respects exacerbated in parental relationships—and that at the expense of vulnerable children. And while there are crucial differences in their characterization and interpretation of the relationship, I think that the description of parental belonging Aristotle and Aquinas develop give reason to consider these concerns carefully.

It would seem that if the close relationship of parent and child opens a unique possibility of movement from the *self* to the *other*, it also must necessarily open the possibility of subsuming the other into the self.<sup>35</sup> If this child is so identified with me as a parent that in loving him I love myself—or love myself *by* loving him—what keeps the essence of familial belonging from being primarily a matter of self-love? (And if it is in essence a matter of self-love, to state the modern concern, are we justified in identifying the interests of parents and children in the institution of the family?)

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<sup>34</sup> For an additional example, see James G. Dwyer, “Changing the Conversation about Children’s Education,” in *Moral and Political Education*, eds. Macedo and Tamir, 325.

<sup>35</sup> Movement from self to other is the natural movement for the classics. Maybe just start out by saying that the question has to be framed differently than liberal theorists do.

## Identification and Reference

This set of issues is importantly related. However, any adequate consideration must also begin by making a distinction between the issues of *identification* on the one hand, and those of *reference* on the other. That is to say, taking another's good to be "part of" or "appurtenant to" my own may mean either (a) that I perceive or consider X's good to partially comprise my own (insofar as a description of my good will entail a description of X's good), that is, in a fundamental sense I *identify* with X or (b) that I *refer* X's good to my own insofar as I take X's welfare to be important or valuable insofar as it contributes to my own overall good. Now, the identification with another described in (a) and self-love are importantly related insofar as (for both Aristotle and Aquinas) a natural will toward one's own happiness "causes all other willings, since whatever a man wills, he wills on account of the end."<sup>36</sup> At the same time, this cannot be simply or ultimately reduced to pursuing another's good only as it *inures* to one's own good (in other words, self-love does not reduce to reference) inasmuch as it is possible to *identify* oneself with another. Identification of this kind does not entail an effective conflation of personalities, goods, or even interests such that no practical distinction between persons so united may be cognized. Rather, the point is that in such a bond between persons each party pursues the other's good as his own (i.e., the good for X is part of my good) and pursues his own overall good as *in part* good for the other (i.e., I desire my own good in part as "good for X").<sup>37</sup>

This is, of course, a vexed ethical issue about which much ink has been spilled. However, we must at least acknowledge that to fail to differentiate these relational dynamics at the outset is to beg an important question. It is precisely in consideration of the basic character of human relationships that the question of the true nature of the

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<sup>36</sup> ST, I, q. 60, a. 2.

<sup>37</sup> See Finnis, *Natural Law and Natural Rights*, 141-144.

“other self” must be answered. There are, then, two important distinctions immediately implicated here: First, that between (a) *identifying the goods of two persons* in friendship and (b) *referring another’s good* to one’s own, and second, that between (c) *identification of goods* in friendship and (d) *a closer identification of personalities or self-conceptions*.<sup>38</sup>

To return to the fundamental relationship of identity between parent and child, it is clear that parental regard for children is in large part insensitive to the distinction between (c) and (d). For parents not only incorporate the good of their newborn children into their own hopes and plans for future good, but they also more directly identify physically and personally with their children. The unfolding of Aristotle’s description of parents and children draws attention to the way in which the relationship is first an *enlargement* or *expansion* of the self, rather than, as the formulation “other self” might denote, a “standing outside” of oneself in consideration of the other’s goods. Children are not simply sloughed off, nor are they simply observed and cared for; rather as Aquinas puts it, they are “separable parts,” still included by the whole in itself.<sup>39</sup> The physical dimensions of this, as we noted, are apparent in a child’s issuance from a mother’s body and extreme physical dependence he has upon parents. There are, as well, physical traits which mark the relationship and remind parents of their connection (often intensifying it), even as physical dependence lessens. Moreover, dependence requires that parents provide and care for their children intensely and persistently, making them not

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<sup>38</sup> A general dyadic distinction like this is helpful insofar as it maintains the difference between friendship and a simple conflation of personalities. However, it is likely that close relationships fall along a continuum running between these poles with a strong conflation of selves (for adults) being as unlikely as it would be psychologically unhealthy. Yet insofar as friendship involves an appreciation of likeness between parties, close friends are likely to share a more personal identification, such that, for example, an insult to one is taken as a personal affront by the other as well. Nevertheless, the distinction demonstrates that there is a solid conceptual basis for friendship without having to posit an either unhealthy or impossible enmeshment of persons.

<sup>39</sup> CNE n. 1708.



only their chief benefactors (to use Aristotle's characterization) in generation, but also in the whole trajectory of their health and well-being. The profundity of the connection here must necessarily affect the strength of the identification. The parent-to-child relation is more than a matter of *reflecting* oneself (as significant as that is) for as Aristotle notes, a beneficiary *actualizes* what the benefactor is in *potentiality*.<sup>40</sup> Insofar as a parent perceives qualities and attributes (e.g. physical traits, personal idiosyncrasies and proclivities) that they recognize in themselves, a child reflects and expands their self-conception. But in addition, insofar as a child is the *product* of parents' creative activity on their behalf (procreative and educational), children reveal something of what parents are. (This is, of course, a complicated relationship, one which parents are likely to exaggerate or minimize in differing ways, yet few are likely to gainsay its fundamental significance.) Thus, children constitute an essential expansion or elaboration of the self and are included in one's self-conception.

In addition, or perhaps as a compounding effect, it is helpful to consider this identification in light of the relational psychology which MacIntyre calls attention to in his discussion of the process by which children attain rational independence.<sup>41</sup> As noted above, MacIntyre observes a fundamental identification of desire which develops between parents and children that follows readily from a child's early realization that satisfaction of his desires requires pleasing his parents (or other adult caregivers). MacIntyre convincingly argues that such dependence results in a powerful unconscious identification of a child's "subjective motivational set" with that of his parents. This is itself a basic, if easily unobserved, form of dependence from which children must separate if they are to adequately develop characteristics of independent practical reason.

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<sup>40</sup> NE 1168a5-10.

<sup>41</sup> *Dependent Rational Animals*, 81-98.

It does not detract from the force of MacIntyre's assessment to note that this psychological identification is, to significant degree, bilateral. That is to say, parents identify their child's desires with their own; they do in fact easily adopt and pursue them *as* their own. If children discover that their desire fulfillment is dependent upon parental desires, by the same token, parents often find it impossible to be satisfied themselves apart from fulfilling their child's desires. The tail often wags the dog.

Now, this does not mean that parents always pursue or fulfill a child's desires any more than they are necessarily constrained to act on any of their own. The point is that the strong identification which parents feel with their children very often leads to a proximate adoption of their needs and desires as the parent's own. There is, of course, a basic asymmetry here insofar as adults possess the requisite physical and financial resources to meet needs and desires, and children are ultimately dependent upon that. Yet this is substantially mitigated by the fact that, as Aristotle observes, parents have a much greater awareness and experience of their connection to their children and thus tend to love them more than can be reciprocated.<sup>42</sup> There is also often an underlying asymmetry to the degree that parents have developed the virtues and capacities of practical reason necessary to separate their desires (and thus their child's desires) from a rational consideration of all parties' long term and objective goods. Yet, here again, the intensity of parental love, the closeness of one's children to the bone, may well require from them another degree of restraint and rational objectivity altogether.

The point here is that the close, often subconscious, identification of desires and motivations which affects the self-perception of children (and thus raises concerns about their independence) *also* profoundly affects the self-perception and "subjective motivational set" of parents. Procreation of a child is in an important way an *enlargement*

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<sup>42</sup> NE 1161b20

*of the self* before it is a creation of *another*. Recognition of this degree of psychological identification—the way in which parents really do perceive and act as if children were a part of themselves, as belonging to themselves—should alert us to a unique set of dangers, as well as a unique set of advantages. Let us briefly consider each in turn.

### **Identification: Dangers and Benefits**

I think the most salient dangers are twofold: indulgence and projection. As noted, it is immediately clear that parents who have not themselves cultivated the virtues of practical reason will tend simply to react to their child's desires as they react to their own, and pursue the child's interests in the same way that they pursue their own (to the degree, of course, that this identification maintains). This may involve crass indulgence or more sophisticated calculation—essentially incorporating a child into one's own perception and pursuit of goods, however that plays out in individual cases. However, the main concern would seem to run the other way, insofar as identification entails not simply the *inclusion* of a child's desires in one's own, but also the *attribution* or *projection* of one's own desires to the child. If children are prone to internalize their parents' desires for them, common experience alerts us to the fact that parents are themselves often likely to *project* those desires. This does not seem to be, in the first instance, a *reference* of a child to one's own desires or purposes, but rather a failure to adequately differentiate the distinct desires of two separate persons. Inclusion of a child's desires in one's own "motivational set," easily results in this sort of conflation and further tendency parents have toward "vicarious experience" in their children.

Now obviously moral education requires a certain level of imposition of a parent's desires upon the child in a way that directs them toward goods. By the same token, this overlay of desires, which for a parent, to tweak Aristotle's point here, is felt more acutely because of greater awareness of their basic connection, presents challenges

corollary to those which MacIntyre develops from the child's perspective. Moreover, once we have acknowledged this point about *identification*, it is not hard to see its further connections to problems of *reference*. An inclusion of a child within one's self-conception, an incorporation of his or her desires into my own and identification of my own desires with his all seems well-tailored to the further step of incorporating a child within one's own plans or purposes and acting in such a way as to ensure that this child's good becomes a part of my own, i.e. ultimately serves my own ends.

The basic recognition of these problems—both of identification and reference—may lead us to question the general plausibility of MacIntyre's description of the parent-child relationship, particularly whether or not he is justified in speaking in terms of the "ordinary good mother." However, for reasons that begin to come clear in consideration of the *positive aspects* of parent-child identification, I think that he is.

Despite these difficulties, the degree of identification in parent-child relationships presents substantial goods. We may recall what was noted at the outset: Aristotle first associates the love of "another self," which is essentially constitutive of friendship, with the love of parents for children. The reason for this (Aquinas reasons) is that it is precisely this experience of identification—experiencing a child as a "separable part" (or "separated part") of oneself—that bears the closest {propinquissima} resemblance to love of oneself<sup>43</sup>, and Aristotle takes self-love to be the basis of all friendship. Now, we cannot address here the fundamental difficulty of Aristotle's theory of friendship, i.e. whether a good man is related to a friend as he is to himself, thus making self-love the basis of friendship, but we need not. Our concern is to understand the relationship between the self and the other as it manifests itself in familial belonging (and perhaps then better understand and assess Aristotle's claim about friendship).

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<sup>43</sup> CNE, nn. 1706, 1708.

Briefly, then, there are five characteristics that Aristotle identifies with friendly relations: (1) Wishing and doing good things for a friend; (2) Wishing for the existence and life of a friend for his own sake; (3) Spending time with a friend; (4) Having a unity of desires; and (5) Sharing sorrows and joys.<sup>44</sup> Aristotle says that (5) is most often found in mothers, and (2) is a feeling common in mothers toward their children, as well as in friends who remain so despite quarrelling. (4) and (5) are qualities which have been central to the analysis thus far, but it is (2) which makes the essential point here. The fundamental relational good of belonging, as it concerns a state of identification, involves perceiving and acting with the same recognition of another's goodness, simply rooted in their *being* and *continued existence*, which one intrinsically has toward oneself. As with oneself, this is not an assessment or evaluation of worth. It is simply an appreciation that refers to no other end, takes cognizance of no other attributes, than simply what it is to *be* that person. Mothers, Aristotle says, display this to the degree that they would delight in observing and knowing about the lives of their children even if completely unobserved themselves.<sup>45</sup>

This kind of “joy” in another’s existence—first of all rooted in a basic identification of selves, not simply a unity, of course, but something more than a union—is of immediate and obvious value.<sup>46</sup> We will have more to say about this below, suffice it here to say that commentators of all stripes acknowledge its importance to providing children with at least “a sense of their own value and a confidence in their ability to fulfill

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<sup>44</sup> NE, IX.4, 1166a1-10. Michael Pakaluk helpfully labels these “Assistance,” “Joy,” “Association,” and “Sympathy,” respectively (combining 4 & 5 in the idea of sympathy). Michael Pakaluk, *Aristotle’s Nicomachean Ethics: An Introduction*, Cambridge introductions to key philosophical texts (Cambridge: Cambridge University Press, 2005), 277.

<sup>45</sup> NE, VIII.8, 1159a27-30.

<sup>46</sup> ST, I-II, q. 26, a. 2: Aquinas describes love {amor} as taking pleasure in or ones affections being captured by an object {complacentia}, resulting in a movement toward the object {desiderium}, resulting finally in rest {quies} in the object of love, which is joy {gaudium}.

their intentions.”<sup>47</sup> Yet, as I have tried to demonstrate, there are genuine difficulties in an identification of this kind. Despite the foundation for a real unity of persons, children exist as separate persons, and, particularly because of the inequality of the relationship, are vulnerable to being overwhelmed or in some senses subsumed.

Up to this point, however, we have proceeded by narrowing the focus (as much as possible) to one angle or aspect of the relationship, i.e., parental belonging specifically insofar as it is characterized as an identification with one’s child in an *expansion* of the self. This considers a child insofar as he might be viewed as a *part* of a whole. We cannot, of course, entirely prescind (even in a limited consideration of *belonging*) from an important fact: children are individual persons whose existence, in whatever way it pertains to their progenitors, is unique and distinct. This fact must necessarily inform a full understanding of what belonging might be, for in reality parents do not abstract from the fact of a child’s distinct existence. Nor, for that matter, does Aristotle isolate *belonging* from its larger context. The elements distinguishable in the concept “other self” are not hermetically sealed; they are, in fact, proximately related. Therefore, in order to fully understand a child’s identification with the self, we must think about his existence as an *other* self—issuing from parents, but established in separate existence as an *other*. Let us then turn to such a consideration.

### **Children as Distinct “Others”**

Despite Aristotle’s strong statements about the obligations and debt of gratitude owed to parents,<sup>48</sup> we should remember that the observations about belonging we have just discussed occur within the context of an argument about parental *knowledge* and personal connection. It is not primarily a point about the substantial relationship between

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<sup>47</sup> Blustein, *Parents and Children*, 129. Blustein writes from a modern liberal perspective, intending to contribute to Rawlsian theory by strengthening the liberal account of the family as a basic social institution.

<sup>48</sup> E.g., NE 1162a5-10.

parents and children. Of greater importance, however, is the fact that Aristotle is brought in one seamless thought from his strong characterization of physical unity to establish a fundamental discontinuity between the two, begetter and begotten. “So we see that parents love their children as themselves: offspring is, as it were, another self, ‘other’ because it exists separately.”<sup>49</sup> There is simply the patent physical fact that here exists a separate being, one who, despite ancestry and extreme dependence, exists as a distinct, perceiving self who biologically and mentally functions as a “self-integrating organism.”<sup>50</sup> To recognize this fact is to encounter a relationship that co-exists with the child himself, as it follows from who he is. Self-perception implies no relationship (except insofar as one might be said analogically to regard oneself<sup>51</sup>), nor does perception of the *other*. In perceiving a distinct human person as *of oneself*, however, one perceives an *other self*, a relationship created by the other’s existence.

Furthermore, one immediately encounters the fact that this person is the combined creation of *two* parents—distinct from each in part because the genetic expression of both. In the definitive sense of *possession*, a child belongs to neither parent by virtue of his or her distinct personhood. Yet, even in the partial sense entailed in the closeness of the physical and personal bond, a child belongs exclusively to neither parent because he

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<sup>49</sup> NE VIII.12, 1161b30. This simple fact of a child’s immediately perceivable distinct existence highlights the fact that what is under discussion here is not a sequential process according to which a parent first sees or understands a child to be “of himself” and then perceives her to be “other.” It is a relational dynamic grounded and expressed in numerous factors that parents (and children) become more and less aware of throughout the relationship. For example, the physical connection which a mother feels with a child immediately upon birth is very strong, while it may not be so for a father. On the other hand, the physical and personal resemblances between a father and child may develop over time (while the mother’s fades, perhaps) so that the reminders and awareness of the connection between father and child predominates. So this relational dynamic of identity and separation is characterized by ebb and flow. At the same time, the process of personal and moral formation which we have discussed, i.e., moving from a significant conflation of desires to the ability to independently distinguish temporary desires from long-term rational goods, is a process of development moving from extreme dependence through stages of increasing capacity for independent reasoning.

<sup>50</sup> Robert P. George, *The Clash of Orthodoxies: Law, Religion, and Morality in Crisis* (Wilmington, DE: ISI Books, 2001), 320.

<sup>51</sup> See, for example, Aristotle’s discussion of self-love as the basis of friendship (NE IX.8, 1168a27-1169b)

or she belongs in this way to both *equally*. Consider: My perception of an *other* self is not only informed by separate consciousness of the child, but by apprehension of this child as himself united to another person. A separate person exists who—contrary to being simply a part of me—I must understand *myself to be a part*. In procreation, two persons contribute equal parts in the generation of a new human being. This is not an *expansion* of the self as was implied by the perception of a child as being *of me*. It is to be united *of oneself* to what is outside of or beyond oneself, inasmuch as the child is equally *of the other parent*. In this way, the parental relationship is not simply a connection between oneself and another insofar as one perceives a child to belong to oneself. It is in a fundamental way a *drawing out of oneself* inasmuch as a parent perceives himself to be both a part of this child *and* connected of himself to the child's other parent. Inasmuch as parents each give of themselves to create a person to whom each is intimately connected, they are correlatively connected to each other (in important ways *dependent* upon each other) and bear responsibilities, not only to the child, but also to each other.

The relationships of belonging, therefore, run not simply from each parent to the child, but because two equally contribute *of themselves*, from the child to each parent and ultimately between parents. Thus it is that a father does not simply encounter in a child a reflection of himself, but a reflection of the mother as well. Often times physical and personal resemblances are combined in such a way as to reflect both parents simultaneously, so that what is in a sense an expression of self-love (delighting in a child as *my child*) becomes substantially and experientially indistinguishable from delighting in another—both the child himself and the other parent.<sup>52</sup>

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<sup>52</sup> The salience of this fact was no doubt obscured for Aristotle and Aquinas by the mistakes of Aristotle's theory of human reproduction (which Aquinas accepted). In commenting on this discussion, Aquinas cites *On the Generation of Animals*, in which Aristotle hypothesizes that the male provides a child's principal part, i.e., the form, which informs the material part provided by the mother (CNE, n. 1710, citing *De Generatione Animalium*, II.1, 731b13ff). Aquinas takes this to mean that the discussion of belonging (one of the three reasons Aristotle gives for the primacy of parental love) relates *only* to fathers as principle



Recognizing one's child as an *other* self further entails that the relationship cannot be reduced to an ultimate stance of self-regard. Aristotle's account of benefaction might be applied in this way to unequal relationships of giving and receiving, i.e., the benefactor realizes his *own* potential in the good he brings into actuality. A benefactor loves a beneficiary because he loves his own existence.<sup>53</sup> Whereas there is an element of

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parts. Thus, in the generation of a child, a father's role and relationship of belonging is primary. However, in the very next comment (n. 1711), Aquinas takes Aristotle to clarify his point about belonging, affirming that *both* parents love their children "as it were the parents themselves, differing from them only in the fact of their distinct existence" (quasi ipsi parentes, alteri ab eis existentes in hoc solum quod ab eis separantur). The incongruence of these comments appears to follow directly from the ambiguity in the relationship between the physical and personal or affective elements of familial belonging. Clearly, Aquinas takes his "part/whole" language to correspond to the specifics of biological procreation, and thus to relate to a primacy of *paternal* love (and thus, it would seem, to claims of paternal authority). Insofar as a father contributes the *form* of the child, he is the principal source of a child in the way that a mother is not given that she simply supplies the material subsistence of the child.

On the other hand, insofar as this physical connection affects one's self-conception, relational phenomena, and affective attachment, Aquinas understands *belonging* to describe both the relationship of mothers and fathers to their children. (And some of these aspects should be more strongly attributed to mothers over fathers.) Thus, it would seem that the *experiential* or *phenomenological* aspects of belonging were not entirely obscured by Aristotle's misbegotten biology. At the same time, we can see that the basic *asymmetry* entailed in Aristotelian biology would tend to affect one's conception of an *other self* in profound ways.

It is not difficult to see that positing a fundamental asymmetry in the procreative relationship would tend to undermine these relationships of mutual belonging. To adopt such an outlook, i.e., there is not equal unity in procreation insofar as paternal *form* unites with maternal *matter*, is to affect the relationship of oneself to the *other*. Inasmuch as parents are related vis-à-vis a child, the priority of the father's role bestows a relational priority between parents. The nature and degree of *mutual* belonging and responsibility derogates according to a father's superior donation and greater claim on the child. Likewise in the parent-child relationship, insofar as the connection here is balanced by the child's equal connection to *another parent*, a new kind of relational priority is entailed. If a child is to a greater degree or in a more important way *of* the father, the father himself is consequently less of the child, drawn out of himself to a lesser degree. He stands to the child as a bestower of form, uniquely the principle source of the child in a way that procreative equality does not allow. Insofar as form precedes matter, a child's *belonging* to a father is greater, the independent identity of the child is lessened, and a relational subordination of the mother is entailed. Whereas it is important to note that for both Aristotle and Aquinas children constitute a powerful *common good* in spousal relationships (NE VIII.12, 1162a28; CNE, Lec. 12, n. 1724), this does not undermine the point being made here. Positing asymmetry in the relationship may well allow children to function as a bond between parents, and perhaps even the greatest common good between them. Nevertheless, it would seem to profoundly affect the basic orientation of their friendship and thus the degree to which it might be characterized by mutual belonging.

Obviously this account comports well with patriarchal accounts of the traditional family. However, it seems likely that the significance of this biological theory is overwhelmed by the cultural and political dimensions of patriarchy. These ideas, it would seem, would be more likely affect an asymmetry of parent-child belonging as a particular theory of generation.

<sup>53</sup> NE, IX.7, 1168a5-10; CNE, n. 1846

real truth here, it might suggest what I think is a false dichotomy between the respective goods of giver and receiver. For a benefactor such as a parent or ruler most fully realizes his own potential *precisely* in maximizing the capacities and goods of those within his care. According to Aquinas's classic definition of law, this is essentially what it *means* to have authority, and as Aristotle notes, the greatness of rulership is measured relative to the excellence of the souls within one's care.<sup>54</sup> Thus, a clear-sighted benefactor realizes that even loving his own existence *qua* benefactor is essentially united to the good and flourishing of his beneficiary. Nevertheless, as a practical matter, there is often enough a tendency to collapse the interests or goods of intended beneficiaries into one's own self-interested motivations. As we noted above, such overreaching may well follow from the close personal connection between parent and child, but the dynamics of *otherness* under consideration serve as a powerful corrective.

Because a child is one's own, he is immediately loved for his own sake, that is, simply *as* and *because* he is. *From identity with the self follows love of a child's being or actuality.* At the same time, a salient feature of childhood is that children are in essential part a bundle (so to speak) of undeveloped potentialities. Therefore, to love a child for that which he is simply entails loving him for what he will and can become. To perceive a child as other is to perceive him as a person with unique abilities, capacities, and desires, which may be widely divergent from one's own. Thus, from the love of a child's being and acknowledgement that it is other and distinct from one's own follows a particular attentiveness to identifying and cultivating a child's innate capabilities. *From apprehension of the other follows a love for a child's unique potentiality.* That is to say, parental love is essentially educative, intensely concerned with children realizing all

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<sup>54</sup> ST, I-II, q. 90, a. 4 (The one charged to exercise care {cura} for the community is the one with authority to propound binding law.); *Politics* 1254a17-b1.

those abilities and goods of which they are capable. And in this way parents are most concerned with moving beyond the simple identity of selves and dependence in which children are born to a mature state of self-possession and independent exercise of human virtues. In this vein, MacIntyre describes the transition from dependent to independent practical reason: “Yet what those adults have to teach the child if the child is indeed to become an independent practical reasoner, is that it will please them, *not* by acting so as to please them, but by acting so as to achieve what is good and best, whether this pleases them or not.”<sup>55</sup>

Clearly this is the kind of educative aim which many contemporary theorists, Amy Gutmann chief among them, view as simply beyond the ken of family life. Such independent capacity for critical evaluation of one’s upbringing could hardly be an attractive objective for parents who “desire above all to perpetuate their particular way of life.”<sup>56</sup> MacIntyre himself immediately acknowledges that “All adults find it difficult and some find it impossible to teach this.”<sup>57</sup> There is no doubt that it is an intractably difficult task, both because of the imperfection of the parties involved and the inequality of the relationship. Yet, as we have noted, MacIntyre possesses a fundamental optimism in the capacities of the “ordinary good mother” to achieve this end. I have endeavored to demonstrate that the fundamental tendency of parental belonging, while certainly subject to missteps or even abuses, justifies this optimism.

The reason for this stems from a basic understanding of parental belonging as an outwardly-oriented relationship. Children are unique in their immediate extension of an individual’s self-conception and inclusion within his own good. Whereas this opens the possibility of inadequate differentiation or respect for a child as a separate person, it also

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<sup>55</sup> *Dependent Rational Animals*, 84. Emphasis original.

<sup>56</sup> *Democratic Education*, 31.

<sup>57</sup> *Ibid.*

gives rise to a powerful love and delight which, in a sense, takes for granted the goodness and worth of a child.

Parents are, moreover, intimately connected with their children as *others*. Insofar as children exist separately and as the unified creation of two persons, they are themselves a *part* of other persons. If experience of a child as part of oneself suggests the idea of belonging, recognition of oneself as a part of others completes the circle in *mutual belonging*. Perhaps the perplexities of genuine friendship, i.e., coming to identify the other with oneself, are in the first instance precisely reversed in parenthood, i.e., coming to see what is *oneself* as *other*—*another*. Unlike the case of friendship, however, parties do not perceive and appreciate each other first as distinct individuals, in time coming to regard each other as “other selves.” Rather, the relationship must develop within a context in which identities are interconnected more than any other. If this is the case, then the experience of parenthood tends toward friendship in an outward motion, as it were. The individual is, in a profoundly personal way, drawn out of himself to regard, love, and care for what is of himself, but must also be recognized as other.

We should be careful to say that this is initially a matter of *perception of the good*, not yet an *ethical* matter of directing others toward oneself or referring their goods to one’s own. (This recalls the distinction between *identification* and *reference*.) Friendship does serve to draw one out of oneself, but in order for that to happen (affectively and in the will) we must first come to *perceive* goods. Another way to put this is that unity causes love, love causes seeing, and seeing, in turn, causes love.

## POSITIVE EFFECTS OF THE RELATIONSHIP OF MUTUAL BELONGING

### Need for Belonging

We have up to this point focused primarily on the nature of the parent-child relationship from the viewpoint of parents, as it has been the main task of the argument to clarify the character of parental love. It is worth shifting perspectives in order to consider a few ways in which familial belonging positively affects the maturation and education of children. In so doing we begin to address the Platonic and Aristotelian quandaries about the relationship between the family and state. This is, however, only a beginning. A full consideration of the relative importance of familial and political associations and of their respective insulation or authority relative to each other requires consideration of further issues we cannot raise here. Nevertheless, I do hope to shed additional light on the goods realized in familial relationships, which in turn suggests a general approach or orientation to the political questions.

The first thing to remark is the correspondence between the parental belonging we have discussed and a child's need *to belong*. Aristotle thought that because they are less aware of their origins, children tend to love less than they are loved.<sup>58</sup> This may be true, but at the same time people evince a deep need to be connected with their biological origins, in particular their parents. It is a desire for relationship with those persons from whom one's existence was generated, which, if unsatisfied in childhood persists into adulthood.<sup>59</sup> In other words, the fact of belonging, that despite subjective independence as human persons, who we are is organically linked, even derived, from others, gives rise

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<sup>58</sup> VIII.12, 1161b20-25

<sup>59</sup> Kyle D. Pruett, M.D., Clinical Professor of Child Psychiatry at the Yale School of Medicine, indicates that there is a rapidly growing body of research demonstrating the profound effects that father engagement has on the long-term development and mental health of children (personal correspondence). See, for example, Glen Palm and Jay Fagan, "Father Involvement in Early Childhood Programs: Review of the Literature," *Early Child Development & Care* 178, no. 7/8 (October 2008): 745-759; Anna Sarkadi et al., "Fathers' Involvement and Children's Developmental Outcomes: A Systematic Review of Longitudinal Studies.," *Acta Paediatrica* 97, no. 2 (February 2008): 153-158.

to a profound need *for belonging*. It is an awareness that the *self* is immediately and intimately connected to an *other*, that the other is part of one's self. Thus, the experience of *other self* and the relationship of belonging (i.e., you are a part of me) also runs in the other direction.

This is one aspect of what it means to be an embodied being in a particular place and time, standing in intrinsic relation to others—"stuck with' a history and a people." "Without the family, and the inter-generational ties involved, we have no way to know what it means to be historic beings."<sup>60</sup> It would be a mistake, of course, to describe this simply as a desire for *knowledge* of one's origins. The need is most immediately relational. Just as a parent's personal identification with a child gives rise to a simple delight and appreciation in the child himself, children evince a basic need to be loved, appreciated, and connected with those to whom they are so identified. Jean Bethke Elshtain makes a corroborative point in her argument that in a child's successful structuring of self and other requires long-term relationship with "specific beloved others"—either parents or their "permanent not temporary surrogates."<sup>61</sup>

It is also important to note that the relational dynamic goes somewhat beyond the primarily Kantian concerns of philosopher Jeffrey Blustein's treatment of the parent-child relationship. In Blustein's account, parental love and affirmation serve to provide children "a sense of their own value and a confidence in their ability to fulfill their intentions."<sup>62</sup> Whereas I think that the elements Blustein (and others) emphasizes are critically important to the healthy maturation of children, it is also easy to speak of the parent-child relationship in these terms as, in a sense, conferring a status on an

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<sup>60</sup> Hauerwas, *The Moral Meaning of the Family*, 435.

<sup>61</sup> *Public Man, Private Woman: Women in Social and Political Thought* (Princeton, N.J: Princeton University Press, 1981), 328–29.

<sup>62</sup> *Parents and Children*, 129.

autonomous moral agent, i.e., confident self-possession, rather than as constituting a relationship integral to the person.<sup>63</sup> These elements are not necessarily opposed, but the concern with a child's individual self-conception stops short of recognizing the relational character of self-identity.

Such insensitivity is particularly marked in Robin West's concerns with the nature of familial relationships. West provocatively argues:

Family love is intense, and we need it to survive and thrive. It is also deeply contingent on the existence and nature of family ties. Children are loved in a family *because* they are children of the parents in the family. The 'unconditional love' they receive is anything but unconditional: it is conditioned on the fact that they are their parents' children.

In contrast, the "welcome respite" of a school environment affords a child the opportunity to be regarded and respected as an independent individual, i.e. simply for himself.<sup>64</sup>

There are a couple of things to say in response to this. In the first place, West elides an important distinction between a *cause* of love and an *object* of love. As we have spent a good deal of time considering, it is indeed the case that parents love their children in the first instance *because* they are their own. The parental relationship explains why this parent has an immediate, intimate love for this child. However, in loving *someone* and in seeing them as lovable, the object of love itself becomes a further and primary cause of love. Seeing causes loving. This marks the movement from *self* to *other* that organic familial connections affect. Whereas it is hardly likely that a parent would come

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<sup>63</sup> This point is one among several ways that Aristotelian-Thomistic moral psychology differs from Kantian-based approaches. For further helpful discussion of this issue, see Vincent A. Punzo, "After Kohlberg: Virtue Ethics and the Recovery of the Moral Self," *Philosophical Psychology* 9, no. 1 (March 1996): 7 and; Gilbert Meilaender, *The Theory and Practice of Virtue*, 1st ed. (Notre Dame, IN: University of Notre Dame Press, 1988), 84–99.

<sup>64</sup> Robin L. West, "The Harms of Homeschooling," 9. Emphasis original. I do not wish to conflate Blustein and West's positions. Whereas Blustein credits parental love with establishing a child's sense of self, West seems to think that it militates against a real sense of self. The positions are of a piece, however, in their orientation toward Kantian autonomy. West exaggerates an element present in Blustein's account.

to love a child in abstraction from their relationship—this is always a special cause of love—it is equally unlikely that a parent does not come to appreciate a child for who he is and to see the goodness of hidden attributes, or even of those that do not immediately inspire affection. West’s contrast between a parent’s basically self-regarding love and a teacher’s care and regard for a child irrespective of their relationship presupposes that parents never come to regard and appreciate their children as *other* selves. Why should anyone be concerned that a natural relationship is the *cause* of love if it directs the lover to see and delight in the beloved in his own right?

This raises what is, perhaps, a more fundamental assumption in West’s account, namely, that being regarded for or in oneself entails being regarded independently of any relationships one might have. It seems that in West’s view regard for this child *simpliciter* cannot include or take cognizance of his natural relationships. In essence, it entails an atomistic self. The problem with this view is perhaps best revealed by asking West: If, as you say, paternal love is “deeply contingent” and “anything but unconditional,” under what conditions might it be true that *this* mother and father are not the parents of *this* child? The answer is none, of course: to contemplate different parentage is to contemplate a different person altogether. Thus we must acknowledge that to consider persons apart from their natural relationships is to consider, not human beings, but conceptual abstractions.

West may reply that her point is that parents regard children under a particular aspect, i.e., *relative* to themselves. Yet (putting my first criticism aside), why shouldn’t that qualify as regarding a child according to something that is inherent to any accurate and fully meaningful description of who he is? Inasmuch as a child deeply experiences and grows to understand this relationship, would it not constitute a profound affirmation



and appreciation of who the child is? If the argument I have advanced is persuasive, indeed it would.

### **Parental Love and Education**

If parental belonging uniquely addresses needs related to a child's cultivation of a sense of self, it is also true that the character of parental love has a uniquely powerful *communicative* effect that can serve to rightly orient children to virtue. This dynamic transpires, I think, at a couple of different levels (or, perhaps, develops in relational stages).

As we have already noted, Aristotle appreciates the educational utility of the parent-child relationship, inasmuch as parental affection and care engender affectionate response and the willingness (generally) to comply with parental instruction. We may say further that constancy in such care over time creates a relationship and general environment of security and trust in which children are released from "felt needs," and the range of activities worth pursuing for their own sakes is expanded.<sup>65</sup> In one sense, this fundamentally liberal stance toward activity is facilitated by affection, security, recognition, and the freedom to independently conceive and pursue activities (i.e., play). This may be thought of as the *liberal environment* of the family.

In another, deeper, sense, however, the parental relationship not only facilitates a liberal environment, it *communicates* the independent desirability of goods and virtues to which parents direct their children out of love. Here too, I think we can helpfully differentiate a couple of different levels. In the first place, the experience of being loved would seem intrinsically to communicate to the beloved that the lover desires his good, and thus pursues things for his good.<sup>66</sup> A child who perceives a parent's delight is thus

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<sup>65</sup> *Dependent Rational Animals*, 84-86.

<sup>66</sup> ST, I-II, q. 26, a. 4. Aquinas builds on Aristotle's idea that "To love is to wish good to someone" (*Rhetoric* ii, 4).

oriented to something recommended to him by the parent *as good*, and thus worthy of pursuit simply on its own merits, i.e., apart from the recommendation. Thus, as an educative matter, the simple fact that love underwrites the process itself communicates something about what is being learned. Now, this dynamic occurs in some sense across the spectrum of human relations insofar as they are naturally characterized by goodwill,<sup>67</sup> and its force would seem to increase along a number of vectors: (1) the degree to which one is appreciated *for oneself* (as in the movement between friendships of utility and pleasure); (2) the degree to which good is desired “on account of” the beloved (i.e., not for the further reason of self-regarding good which pleasure friendship entails); and (3) the intensity according to which the love is felt.<sup>68</sup> (1) and (3) are perhaps most easily and immediately communicated in the parent-child relationship owing to the sheer pleasure parents derive from their children and the extreme ends to which this often takes them—frequently with only subsequent consideration of the costs. These aspects of parental love are powerful, but (2), I think, takes us to a deeper communicative level, one that more complexly unfolds in the course of a parent-child relationship.

What I have in mind here is characterized, in the short term, by the conflict and disparity between action and expectations that inheres in any educative endeavor, and in the long run, the possibility of unrealized potential and disappointed hopes faced in every

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<sup>67</sup> In the weakest sense, the goodwill evident in the conversation one strikes up with a fellow passenger on the train, makes one inclined to take his directive assistance concerning an upcoming transfer as well-intentioned and (all things being equal) trustworthy. Even friendships of utility and pleasure, John Cooper convincingly demonstrates, should not be taken to be devoid of this basic fellow feeling, in which one is wished good for one’s own sake, and not merely treated by a utility or pleasure friend as a means to an end. The force of Cooper’s point seems to be relatively limited, however, insofar as such friends want good things for a friend “in that respect in which they are friends...that is, qua persons pleasant or advantageous to themselves.” John Cooper, “Aristotle on Friendship,” in Amélie Rorty, ed., *Essays on Aristotle’s Ethics*, Major Thinkers Series 2 (Berkeley: University of California Press, 1980), 314. Cf. ST, I-II, q. 26, a. 4 ad 3.

<sup>68</sup> ST II-II, q. 26, a. 7. In discussing the proper order of charity, Aquinas distinguishes the object of love from the agent of love. The *intensity* of love’s affection inheres in the agent, and the proper order of charity importantly turns on this personal reality, for Aquinas, not simply the objective lovableness or worthiness of the object loved.

life. In essence, the nature of the day-to-day educative enterprise, as well as the long term goals which parents have for their children, affects a powerful and deeply communicative dynamic in the relationship. We may well allow Aristotle's point that familial affection aids moral training, while still acknowledging that the process is fraught with conflict. We should *expect* conflict insofar as moral education itself presupposes the need for some degree of formation and curbing of unruly desires. We should, moreover, *desire* it insofar as it is a natural part of the necessary differentiation of personalities and desires necessary to a child's maturing independence. It is, nevertheless, difficult, and in such moments of moral guidance, a clear difference emerges between one's love of a child *simpliciter* and one's love and delight in a child as good, virtuous, pleasant and pleasing. It is in this disparity that one encounters the fundamental difficulty MacIntyre notes in orienting a child *to the good*, in the final analysis, whether it pleases one's parent or not.

The pivotal point in this process seems to boil down to a parent's simple recurrence to (and intentional communication of) the love that simply takes for granted the goodness and worth of a child as an *other self*. It is never easy, of course, to put aside inconvenience, frustration, and anger in order to access this deeper and more abiding "joy" in a recalcitrant child or rebellious youth (even while ensuring that appropriate consequences for bad behavior are met). However, to the degree that parents succeed in cultivating and tapping into this basic interconnectedness with their children, the underlying communicative aspects of the relationship take on a fundamentally liberal character: A child is not required to perform virtuous acts or develop virtuous habits as a means to being pleasing (even though virtue is inherently pleasant) because he is recognized to be good and lovable despite being non-virtuous and non-compliant. Inasmuch as he is loved apart from virtue, the required virtue is commended to him as itself good and lovable—not as something that makes him lovable, but as a good desired

for him because he is loved. Thus, by means of a relationship of belonging, virtue is presented as its own end, something worth pursuing for its own sake. *It is the liberality of familial love that informs a liberal stance toward virtue.*

Over the long haul, the force of this liberal love is felt in its unstinting permanence, the preference for one's child despite failure in achieving those objectives and hopes in which parents are so heavily invested. It is natural and important that they should be so invested (at least in a general sense). It is clear, moreover, that even in disappointed hope, love that is concerned with cultivating and realizing the goodness a child's potential never relents in assisting toward these ends. To love a human person simply entails this prospective quality.

At the same time, love that is committed to a child "come what may," with a "systematic refusal...to treat the child in a way that is proportional to its qualities," simply rests in one's child as he is. And it would seem that the communicative force of liberal love in this wider context would serve, in an analogous sense, to structure one's life with a liberal stance toward virtue and achievement—even as the love and approval of parents diminishes in immediate significance as a child enters adulthood.

There is a further point to be made here. On the one hand, we have pointed to the communicative importance of quotidian interactions, and on the other, formation of an overarching structure to one's long-term goals. The two poles are connected, the content and outlook of virtue inculcated, by the routine practice of virtuous actions performed in a virtuous way—by what Aristotle called habituation. Miles Burnyeat helpfully emphasizes that this habituation is not merely the establishment of rote activity or predilection. Rather, there is an important "cognitive slant" inherent in the process of habituation.<sup>69</sup> Careful habituation succeeds in establishing a kind of experiential

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<sup>69</sup> M.F. Burnyeat, "Aristotle on Learning to Be Good," in Rorty, *Essays on Aristotle's Ethics*, 73.

knowledge, an understanding of “the that” of virtue, i.e. it establishes by experience that performing acts of virtue is in fact pleasant. At this early stage, one need not, indeed cannot, understand the “the why” of virtue, i.e., the full explanation of human capacities and goods that provides the full context, defense, and specification of virtue. However, it is Aristotle’s point that in order even to get to this explanatory and refining phase, one must begin with a certain degree of knowledge, since all moral inquiry necessarily begins from some fundamental starting point. This is the task of habituation: providing the basic experiential knowledge of the desirability of virtue that provides a starting point for mature analysis, refinement, and understanding.<sup>70</sup> As Jacques Maritain explains connatural knowledge, the line of thinking within natural law theory that develops Aristotle’s “cognitive slant,” “It is not rational knowledge, knowledge through the conceptual, logical and discursive exercise of Reason. But it is really and genuinely knowledge, though obscure and perhaps incapable of giving account of itself, or of being translated into words.”<sup>71</sup>

The additional point, therefore, is that the communicative character of the parental relationship serves, over time, to effectively communicate an important kind of experiential knowledge about the independent goodness of virtue. Virtue, liberally pursued within the context of parental education, is practiced and ultimately *understood* liberally. This does not, of course, obviate the importance of further discursive reflection on the character and content of virtue, but it does clarify the importance of the educative dynamic within the family. It is not simply a domain of affective primacy, no matter how

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<sup>70</sup> NE I.4, 1095b

<sup>71</sup> Jacques Maritain, *Natural Law: Reflections On Theory & Practice*, 1st ed. (South Bend, IN: St. Augustine's Press, 2001), 15. See also, Yves R. Simon, *The Tradition of Natural Law: A Philosopher's Reflections*, ed. Vukan Kuic (Fordham University Press, 1999), 125–136, and J. Budziszewski, *The Line Through the Heart: Natural Law as Fact, Theory, and Sign of Contradiction* (Wilmington, DE: ISI Books, 2009), 61–77.

necessary and beneficial we are willing to allow that emotion is. On the contrary, the inherent tendency of ordinary familial relationships serves to provide children a basic orientation and knowledge of virtue that is required in the fullest rational account of a virtuous soul.

## **CONCLUDING REMARKS**

In conclusion, let us turn to reconsider the remaining worries about familial association in light of the arguments I have just advanced.

### **Inequality**

Clearly, the inequality of the parent-child relationship cannot be gainsaid, and it does, in some respects, raise questions concerning the welfare of children. Contemporary theorists seem in part to be motivated by a commendable desire to protect children and to look for ways to redress this vulnerability. Equally clear, however, is that the vulnerability is an intractable characteristic of the human condition, i.e., the reality of birth and gradual maturation. The question, therefore, is how that vulnerability is best to be protected, given that any context whatever will be marked by substantial inequalities. Despite theorists like West's supposition of a "safe haven" in the public realm of independent, individual respect, it is difficult to see how relationships with peer groups and teachers alleviate the problem. (This is, of course, not to say that interaction with teachers other than one's parents and friendships developed even in relatively early youth cannot profoundly affect children for the good, and motivate them to virtue in ways they do not encounter within the family.)

The underlying problem with much liberal theory, however, is the competing-rights paradigm brought to bear on the problem. Parental interests are often treated as simply "expressive" or "self-regarding," which naturally means that they will often

militate against a child's long-term good. Therefore, immediate emotional needs met in the family have to be balanced against securing more enduring interests. As I have tried to demonstrate, this paradigm simply misconceives the basic relational character of parent-child relationships. These relationships unfold not toward possessive subordination of a child's good, but toward a fundamentally friendly stance toward one's children as *other* selves. For the ordinary good parent, it is precisely the experience of the inequality of the relationship, the vulnerability of their children, and the awareness that each choice they make on a son or daughter's behalf may affect them profoundly—and certainly will so affect them in the aggregate—inspires in most parents a desire to achieve their best selves, not simply for themselves, but in the interests and for the good of their children.

### **The Knowledge Problem**

As we noted at the outset, a basic aspect of what I have labeled the “Aristotelian dilemma” (one among many dilemmas) is the value of special parental knowledge and guidance of one's children relative to the universal dimensions and principles which are the study of the legislator. Robert Reich gives contemporary expression to this basic worry by noting the high contestability of parental claims to have *real knowledge* of what the best life is for their children. Perhaps a broader, more objective perspective distilled in political life affords the state a better claim to such insight.<sup>72</sup> I do not take the discussion here to be fully dispositive of this issue. It is not an issue, in truth, subject to full disposition, contingent as it is upon vagaries of time, place, and especially persons involved. However, the discussion here does, I think, substantially favor an underlying formal principle of subsidiarity. My reasons for thinking so are as follows.

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<sup>72</sup> “Testing the Boundaries of Paternal Authority,” in *Moral and Political Education*, 275-313.

First, as I have just restated, it is a mistake to view the set of questions raised in the relationship between the family and the state as a somehow turning on a basic distinction between spheres of emotion and of rationality, respectively. To do so is not only, as I have argued, to underestimate and simplify the solidly rational orientation and aspirations of family life, it is to inflate the claims to objective knowledge obtainable in the public sphere. Second, and perhaps more to the point, the nature of familial love is inherently, ineluctably educative. To love a maturing human person simply is to love his developing capacities and unfolding potential. Moreover, this educative relationship exists between parent and child from the outset of the relationship, such that, prior to a child's reaching majority, any unwelcome educative activity intended directly for children is an interposition. The very great goods inherent in the parent-child relationship require that such interference be pursued, as William Galston recommends, only in cases of clear abuse.<sup>73</sup> As a practical matter, what this would seem to require is close curricular and administrative oversight by local school boards.

### **Civic Education**

Aside from what has already been said, a suitable answer to the question of state interests in education of youth largely goes beyond the scope of this chapter. It requires an articulation of the good of political community not yet undertaken. It is worth noting, however, another fundamental problem in much of the rights-based liberal theory we have discussed. In addition the desire to safeguard children, very much of it is guided by the civic interest in educating future citizens. This is a reasonable and worthy goal, however, if not pursued in an appropriate manner, i.e. with deference to parental guidance of education, it runs the risk of taking an unreasonably *prospective view* of the child.

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<sup>73</sup> *Liberal Purposes*, 251-256.



Philosopher of childhood, Gareth Matthews, has written about the tendency in dominant theories of moral education to take a strongly prospective view of children, that is, to view them primarily in terms of their future potential and to treat current activities and educational efforts as largely directed to meeting future developmental goals.<sup>74</sup> This is, of course, a very important part of childhood, but if unbalanced by an appreciation for the current state and existence of the child as an end in itself—as in itself fully instantiating a unique part of what it is to be human—we are likely miss the importance of today by thinking only of tomorrow. And this, in addition to simply missing the meaning of the moment, itself undermines the future good we’re seeking. An application of Matthews’ work to these problems warns against treating children as *future citizens* in a way that undermines their current well-being as children. Rights-based theories are particularly prone to this mistake because of the tendency to view parents’ and children’s interests as in conflict with each other.

The primary objective of my argument in this chapter has been to give a substantive account of the familial good. In so doing I have sought to be specifically responsive to longstanding political worries that derive from assessments of the family’s affective particularity and relational inequality. Over against a picture of the family that paints it as simply a necessary locus of affective attachments largely directed toward the self-interest of adults, I have emphasized two counter-theses: First, parental love is basically *outwardly directed* inasmuch as self-love is brought to intimate engagement and appreciation of another person and deep concern for his or her distinct good. Second,

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<sup>74</sup> “A Philosophy of Childhood,” Monograph (The Poynter Center for the Study of Ethics and American Institutions, Indiana University, January 2006), <http://poynter.indiana.edu/publications/m-matthews.pdf>. See also, Gareth B. Matthews, *The Philosophy of Childhood* (Cambridge, MA: Harvard University Press, 1994), 54–67, and Gilbert Meilaender, *Neither Beast Nor God: The Dignity of the Human Person* (New York: Encounter Books, 2009), 37–51.

parental love is *inherently educative*—and thus rationally driven—insofar as in loving a child parents are drawn into a careful and sustained consideration of human goods as they seek to cultivate or educate (literally, “to lead out”) a child’s potential talents and capacities. Moreover, parental love is rational in effect as well nature insofar as its unconditional character is essential, perhaps absolutely necessary, to rightly orienting children in a fully rational stance toward virtue. Thus, the fundamental character of the family, deriving as it does from the parental relationship<sup>75</sup> belies the concerns of its detractors.

Accordingly, the family must be regarded as a primary and irreplaceable locus of substantive human flourishing. Familial love not only structures relationships within the family, in creating an association of mutual regard, affection, and shared good, it creates an experiential knowledge and appreciation of mutual cooperation. Family life makes the possibility of a genuine common good plausible. Thus, it is often, and rightly, referred to as the first school of social virtues. And of course, it does have an important role to play as part of the broader political society. This is evident not only from its material insufficiency and dependence, but also from the positive outward orientation of its educative drive and the generous nature of the love that animates it.

In the following two chapters, we turn to consider that broader political good specifically, first by delineating its formal characteristics as an association of associations and secondly by articulating a unique and intrinsic good of political community. The argument of this chapter mandates that of the next insofar as irreducibly diverse social goods require the stratified account of political community for which I argue there.

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<sup>75</sup> NE VIII.12, 1161b18

## Chapter V: Formal Characteristics of Political Association

Every association, Aristotle tells us, is formed for some purpose; there is some end that it seeks.<sup>1</sup> The concept of a common good is, of course, most closely associated with the purpose or *raison d'être* of the political community, but it is a concept of much broader application. Common good identified with political community is taken to be *the* common good because of its claim to supremacy, as in some sense embracing all goods within a community and thus taking priority over them all as the architectonic good.<sup>2</sup> Yet, this is not an unproblematic claim. Basic to Aristotle's account of associations is the recognition that associations, whether friendships, families, clubs, polities, etc. are quite different in character. The political community, he is keen to point out, does not merely differ in number or extension from other communities. It takes on a qualitative difference in kind.<sup>3</sup> Yet if it is different in kind, realizing a good and mode of interaction that is fundamentally distinct from other associational goods, how is its claim to supremacy to be sustained? Perhaps other goods outstrip the political common good as, for example, Aristotle's central case of virtuous friendship appears to be better—more intensely instantiating human good—than does civic friendship. Or on the other hand, if we ground the political common good in its greater inclusivity of disparate (and perhaps better) goods, in what sense is its greatest good actually common or its most common good that great? Greater extension of goodness seems to entail attenuation that diminishes the qualitative value of any commonness.

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<sup>1</sup> *Politics*, I.1, 1252a1-5.

<sup>2</sup> Aristotle, *NE* I.2, 1094a25-1094b10.

<sup>3</sup> *Politics* I.1, 1252a7-20.

This brings us back to the point with which natural law theory is much preoccupied, viz., the apparent fact that political community does not have a monopoly on common good and many of the goods realized prior to political community seem superior to its good. Its claim to supremacy must be articulated and evaluated within a general context of human sociability in which real common goods are created and enjoyed within a range of human associations. Thus, any account of *political common good* must orient itself within a broader framework. To this end, let us first ask the question, what do we mean by a *common good*? Remember that the goal at this point is not to specify what precisely the substance of various common goods is, but rather what the formal characteristics are of good that should be recognized as common. These formal questions provide necessary background to substantive questions, i.e. those specifying what exactly the content of the common good is. Given the complexity of human associations, the various purposes and modes of interaction they involve, we must first be clear about precisely what we mean by “common good.” Then we can ask if political community plausibly realizes one. That question will be taken up in the next chapter.

#### **WHAT IS MEANT BY “COMMON GOOD”?**

Gregory Froelich’s tripartite analysis of Aquinas’s account of the common good provides helpful structure to the range of issues raised in this question. Additionally, Mark Murphy reworks and elaborates Froelich’s analysis in illuminating ways. Froelich identifies three basic kinds of commonness in Aquinas’s thought, those by predication, by

causation, and by distribution or enjoyment (i.e., common *goods*).<sup>4</sup> A good common by predication is one that can be attributed to multiple persons, although the people do not share in their possession of it.<sup>5</sup> Commonness in this sense is simply a logical concept, insofar as all those referenced possess the same attribute. We may say, for example, that all Olympic athletes are healthy, and in a sense excellent health is something that they share in common. Yet, what we have identified is a property that each possesses individually, since groups as such do not enjoy physical health. Moreover, the health that each athlete enjoys is not one and the same, but is common only insofar as it is a property descriptive of the kind of thing each athlete is. Similarly with knowledge or happiness (though such attributes require a high degree of generality to be predicated broadly).

Now although commonness by predication does not precisely denote a *shared good*, it is foundational to the idea of the common good insofar as the very possibility of sharing in goods, or pursuing common states of affairs that facilitate individual goods, requires a common human nature. If the natures of two creatures are so disparate that they can share no good by predication, there is no possibility of common good between them. This difficulty underlies Aristotle's question about whether one would desire the ostensibly greatest good for his friend, i.e., becoming a god. To wish such a thing would be to dissolve the friendship by eliminating the possibility of common good between two

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<sup>4</sup> Gregory Froelich, "The Equivocal Status of *Bonum Commune*," *The New Scholasticism*, vol. LXIII, Winter 1989, 38-57; Mark Murphy, *Natural Law and Practical Rationality* (Cambridge: Cambridge University Press, 2001), 126-131. Calling the third category "commonness by distribution" is Murphy's innovation, which is helpful since it maintains a syntactical parallelism that Froelich's term, "common goods," does not. Murphy's more important conceptual elaboration will be discussed shortly.

<sup>5</sup> E.g., Aquinas, *ST*, I-II, a. 90, a. 2 ad 2.

radically different kinds of being.<sup>6</sup> A direct political example of this relationship is evident in the marked attenuation of the common good in the modern period. In the work of Thomas Hobbes, for instance, the dilution of human nature entails a dilution of the potential for common good. For example, Thomas Hobbes's minimalist notion of the common good as a mutual assent to sovereign power for the sake of personal self-preservation is directly connected to his remarkably reductive account of human nature in terms of primal passions—most basically, the fear of violent death.<sup>7</sup>

For the moment, let us pass over Froelich's second category of commonness by causation to consider the third, commonness by distribution. Aquinas most often marks this usage by a plural construction, common goods {bona communia}, in order to identify particular material goods. Common goods are assets or resources that are cultivated, protected, or managed in common, but which are distributed or enjoyed independently. Such public resources as water are immediately necessary for life, and thus, as Aristotle argues, explain the very existence of a community.<sup>8</sup> Yet, they are instrumental goods, and if the community is to exist for something more than mere life, its common good must extend to something inherently choice worthy.

Here Mark Murphy helpfully modifies Froelich's analysis by expanding this notion of distributable resources to include common purposes that are effectively, if not literally, distributed.<sup>9</sup> Murphy defines the category according to the intentionality of the

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<sup>6</sup> NE VIII.7, 1159a5-12.

<sup>7</sup> Thomas Hobbes, *Leviathan*, Chps. 13-14, 17. Or, as Leo Strauss makes this general point: "Justice is the common good *par excellence*; if there are to be things which are by nature just, there must be things which are by nature common," *The City and Man* (Chicago: Univ. of Chicago Press, 1964), 16.

<sup>8</sup> *Politics* I.1, 1252b13.

<sup>9</sup> *Natural Law and Practical Rationality*, 126-131.

members, which controls the character of the common *action*, rather than according to the distributive character of material goods. Distribution in Murphy's sense occurs when the end result that motivates each member of a group to action is not shared. Now, there may be a single state of affairs that each party desires to achieve, construction of a public road, for example, but this purpose is basically distributed, Murphy argues, if each party desires the road only as a means to his own travel. Evidently, this is nothing other than Aristotle's friendship of utility—common action is undertaken for the sake of separate ends.<sup>10</sup> Because the association was not intended for common benefit in the first place, when it ceases to serve the purpose of any individual member it may be broken off without fault (assuming termination is conducted in a way suitable to the terms of the agreement). Of course, that each party intends the road to facilitate his own travel does not preclude the possibility of a truly common purpose. One may intend such a good for the 'good of all', or the 'good of the community', and as a means to his individual good. What is necessary to exceed a distributed commonality is that members' conceptions of the final end sought essentially converge. Such convergence obtains either in the case where each member acts for the good of all members (including himself) or in the case where each member acts for the good of the group per se.

Aristotle's pleasure friendship falls into this category of distributed good, but presents a more difficult case. It would seem to be essentially a good common by distribution insofar as each party engages the other ultimately for the sake of his own pleasure. "[T]he friend is loved not because he is a friend, but because he

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<sup>10</sup> NE, VIII.3, 1156a10-30.

is...pleasant...Consequently, such friendships are easily dissolved when the partners to not remain unchanged.”<sup>11</sup> At the same time, the nature of such relationships, unlike friendships of utility, depends upon *mutual* enjoyment, or “good play of the game.”<sup>12</sup> Friendships of pleasure require that both parties really enjoy the interaction, and thus achieving one’s own objective intrinsically requires attentiveness to the other’s objective. Mere cooperation will not do. Pleasure friendships, therefore, require a greater concern for the good of other members than do utility friendships (or, goods common by distribution). So each party does in an important sense aim at the pleasure of both, and the good is not distributed. At the same time, insofar as the common interaction is immediately sought for divergent ends—most importantly, the pleasure of the other is not sought for one’s own sake—the purpose of the relationship is fundamentally distributed.<sup>13</sup> The appearance of true commonality in this case turns on the distinction between intrinsic and extrinsic common goods, about which more will soon be said.

It is evident that intentionality is the decisive factor here. Even goods that require material distribution to achieve their purpose, a public reservoir for example, may be the object of genuine common good if treated as such—created and managed either “so that everyone has the water he needs” or “to serve the community.” Both cases are

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<sup>11</sup> Ibid., 1156a15-20.

<sup>12</sup> John Finnis, *Natural Law and Natural Rights*, 140.

<sup>13</sup> See John M. Cooper’s very helpful discussion of this dynamic in utility and pleasure friendships in “Aristotle on Friendship,” in *Essays on Aristotle’s Ethics*, ed. Rorty, 301-340, esp. 308-315. Cooper argues that all forms of friendship are, for Aristotle, directed in an important sense to the good of the other for his own sake. In no case of friendship does a crass instrumentalization of the other person obtain, but only in the case of virtue friendship is one’s “intention in maintaining the friendship...fixed on the goodness of the other person, not on his pleasantness or profitability” (315). Aquinas, too, makes the point thus: “When friendship is based on usefulness or pleasure, a man does indeed wish his friend some good: and in this respect the character of friendship is preserved. But since he refers this good further to his own pleasure or use, the result is that friendship of the useful or pleasant, in so far as it is connected with love of concupiscence, loses the character to true friendship.” ST, I-II, q. 26, a. 4 ad 3.



importantly distinguishable from the case in which community members simply cooperate to secure their own source of water.<sup>14</sup> Conversely, members' intentions may transform an endeavor which seems inherently common, construction of a public park for example, into an essentially distributed good if the purpose of the association is for each member simply to secure his own recreation and aesthetic enjoyment. In one sense we might take the nature of the good to be inherently common, insofar as the park is publicly (i.e., commonly) owned and maintained, and as such is indivisible. On the other hand, if members of the community build the park, each for the purpose, "so I can have a place to walk my dog," there is really no common good sought because no single state of affairs desired by the members. As Murphy puts it, what is really pursued are distinct aspects of a single state of affairs.<sup>15</sup>

In contrast, commonness by causation entails that the motivating purpose of members' actions is a shared end. Such common good may not necessarily entail a high degree of shared life. Thus, Finnis's primary description of the political common good as a set of conditions instrumental to other social and individual goods may fit this description of community to the degree that members act to secure the necessary conditions "for the sake of all" or "for the good of the community."<sup>16</sup> Instrumentality

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<sup>14</sup> Aristotle, of course, provides the classic rejection of the common good as a mere alliance (*Politics*, III.9). We should note that truly shared descriptions of the common good are possible even in the frequent event that common resources are scarce. A Lockean optimism that "enough, and as good" will be generally available is not required in order for members to intend and act for a shared good (John Locke, *Second Treatise on Civil Government*, Chp. 5, sec. 27). Murphy is right in arguing that the "common good can serve as a *regulative ideal*, perhaps unrealizable in practice, but the basis on which realizable objectives and binding common norms can be justified" (*Natural Law in Jurisprudence and Politics* (Cambridge: Cambridge Univ. Press, 2006), 64.

<sup>15</sup> *Jurisprudence and Politics*, 128.

<sup>16</sup> *Natural Law and Natural Rights*, 155.

itself does not entail a distributed good as long as there is a shared purpose in acting for the instrumental good. This point draws our attention to the distinction briefly mentioned above between intrinsic and extrinsic common goods. Pleasure friendships, we noted, present the possibility of goods sought that are inherent to the association itself, but which are nonetheless common only by distribution, i.e., as the association serves the friends' separate desires for enjoyable companionship. The inverse case is that of goods common by causation (i.e., a single thing or state of affairs motivates members' coordinated action), which are nevertheless extrinsic to the association itself. Finnis's version of the instrumental political common good is perhaps the most controversial case of such a good, but we have already touched on clear examples. Assuming the purpose is truly common, provision of a public utility or construction of a community park are both examples of common goods extrinsic to the association itself. Neither the park nor the utility is inherent to the common action itself; the reason for the group's association is something other than the association.

By contrast, the common good of an association such as a book club exists precisely in the common action of the members in reading and discussing texts, enjoying each other's company, and attaining the insight that comes from shared inquiry and reflection. If the intention of the members vests in a common object—the pleasure and growth of all members as a group and/or as individuals—we have entered the domain of what Aristotle identifies as the central case of friendship. Unlike friendships of pleasure, virtuous friendship is based upon love of another person's intrinsic character, the “other self,” for his own sake. The good will that frequently characterizes human relationships

in a general sense becomes established in a friend's character as a disposition to act for the other's good.<sup>17</sup> Moreover, the good that is sought is common inasmuch as each takes the other's good to be part of his own, and since this love is reciprocated, recognizes his own good to be part of his friend's good. Thus, friends come to desire their own good, in part, as a good for the friend, and vice versa. "The reciprocity of love does not come to rest at either pole."<sup>18</sup> So the aim of the association takes on the character of a truly common good.

In addition, most of all the good shared by friends of this sort is the activity of friendship itself. Inasmuch as friends delight in the goodness of each other's character and share the "mark of a good man" in working hard to achieve the good, their interaction ("nothing characterizes friends as much as living in each other's company") becomes a shared pursuit of the good life. Moreover, the friendship itself becomes a significant part of that shared purpose.<sup>19</sup> This distinction brings us to what we might designate as another level of community, inasmuch as the good sought inheres in the association itself. (Although common action for a common end is all that is required for true community, when the community itself instantiates the end sought, we can recognize a higher degree of commonality or shared life. More will be said about this below. Recall that pleasure friendship, although it seeks a good intrinsic to the relationship, is not true community because a shared end is not the object.)

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<sup>17</sup> NE VIII.3, 5; IX.4

<sup>18</sup> Finnis, *Natural Law and Natural Rights*, 143.

<sup>19</sup> NE VIII.1, 5; IX.4

This central case of friendship points up a difficulty with the analysis thus far. In the course of getting at what counts as the formation of real community, a real common good, I have interwoven the concepts of friendship and group community. This is helpful insofar as virtue friendship instantiates the greatest degree of commonness, and derogation from the central case, moreover, often characterizes the common goods of wider communities. Yet, reaching the central case of friendship—those oriented to a common pursuit and sharing in a good life—brings out a fundamental discontinuity between friendship and broader community, or at least another vector of analysis that must distinguish the two. The distinction is that between intensive and extensive common goods.

Despite a common misconception that having many friends is a great thing, Aristotle points out that real friendships are actually rare. This is in part due to the scarcity of virtue. But it is also due to the fact that even in the best conditions we simply do not have resources for extensive life-sharing. Even those with a mutual desire for friendship, Aristotle notes, cannot *be* friends without time and familiarity—having “eaten the specified measure of salt together.”<sup>20</sup> Moreover, the close identification of lives, the love of another as oneself, and the intimacy that entails, simply cannot be widely shared. This is, of course, the central point of Aristotle’s critique of Socrates’s familial communism,<sup>21</sup> and I have attempted to elaborate that point in my discussion of familial association. Over-extension does not simply attenuate; it substantively precludes a vast range of vital interpersonal goods.

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<sup>20</sup> Ibid., VIII.3

<sup>21</sup> *Politics*, II.4

We must recognize, therefore, that different associations are characterized by disparate ends and distinct modes of association, and thus they realize incommensurable goods. This is not to say that there is no continuity between the central case of friendship, for example, and civic friendship. Civic friendship is plausibly a reciprocated disposition to act for the good of fellow citizens. But such continuity raises its own problems. If the good sought inheres in the association itself—what seems to be a higher degree of community or common good—the greater the extension, the more the good itself is attenuated. Conversely, the closer an association’s connection to the good of individual persons, the narrower its extension. From this vantage point, the most important goods (affectively and rationally) are those allowing greatest opportunity for real friendship and common life. Of course, some goods are *only* found in extension, e.g., effective defense, reliable and efficient long-term material provision. What the full range of these goods is, how they are realized, and what their merit is relative to other human goods, is our main topic of inquiry. Here two points are important to note:

1. Intensive and extensive goods are often fundamentally different and incommensurable.
2. To the degree that they share common characteristics, the goods of wider communities seem simply to attenuate those of closer communities.

In summary, then, common goods are spoken of in a number of related, but distinct, ways. Goods common by predication—denoting a shared nature—explain the existence of more specific common goods and may provide a general sense of a group’s purpose. Common *goods* address the material exigencies of human existence, yet in an important sense they may be more the object of common purpose than associational

goods that are distributed by intentionality. Commonness by causation does represent common intent, and thus a truly common end, but here a heightened degree of community is reached when the end sought is at least partially intrinsic to the community itself. This ultimately directs attention to the intensiveness of common good attained in virtue friendships vis-à-vis the extensiveness of goods realized in wider community relationships. Putting this final distinction aside, we have arrived at the following definition of common good per se: A common good exists most basically when common action is undertaken for a truly common aim, and most fully when the unity of the group itself is one of the intrinsic goods sought.

### **THE POLITICAL COMMON GOOD**

This distinction between intensive / extensive goods is key to our understanding of the formal characteristics of the political community since political community is defined according to its extensive properties in a couple of different ways. First, classical political thought formally defines political community as possessing a full sufficiency for life—a qualitative extension. Other subpolitical associations are characterized by an outward trajectory of need—for existence, preservation, daily necessities, occasional necessities, defense, etc.—culminating in the political community’s provision of the complete range of needs for life. This sufficiency is both material and intellectual or spiritual as the city possesses not only that which is necessary to life, but that which is necessary to living well. “The end, then, of the city is living well, but these other things are for the sake of the end, and a city is the community of families and villages in a complete and self-sufficient life, which we say is living happily and nobly.” Such

flourishing is essentially located in the rational communal pursuit of the good and the just.<sup>22</sup> The second extensive claim of political community is quantitative, i.e., that it secures the good not simply for one person, but for a multitude of people. “So even though the good be the same objective for one man and the same for the whole state, it seems much better and more perfect...to procure and preserve the good of the whole state than the good of any one man.”<sup>23</sup> The political common good claims to be *the* common good, rightly ordering individuals and other associations to a common purpose, because it realizes the full sufficiency of the good life and extends that good to a whole people.

A much-disputed difficulty emerges with this characterization. If the city indeed possesses this degree of completeness, it would seem to be that for the sake of which other associations exist, insofar as self-sufficiency is the goal of human association and the city attains the height of self-sufficiency. It is easy to interpret Aristotle at least as holding the view that individuals and associations are in a fundamental sense “realized” in the city, insofar as they are incomplete parts in a larger whole.<sup>24</sup> The flourishing of individuals and associations is most realized *qua parts* of the political whole. Aristotle’s rebuttal of the Socratic political communism in the *Republic* cites the necessary diversity

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<sup>22</sup> Aristotle, *Politics* I.2, 1253a7-17; III.9, 1280b30; See also Aquinas, *Commentary on Aristotle’s Nicomachean Ethics*, Bk. I, Lec. 1, n. 4. It is statements like the one included here—“but these other things are for the sake of the end”—that often make discerning Aristotle’s meaning difficult. Does he take subpolitical associations to be for the sake of the political end? We will address this problem in what follows.

<sup>23</sup> Aquinas, CNE, Lec. 2, n. 30.

<sup>24</sup> Aristotle, *Politics* I.2, See, for example, David Keyt, “Three Fundamental Theorems in Aristotle’s ‘Politics’” *Phronesis*, vol. 32, No. 1 (1987), 54-79, esp. 57-59, 63-65. Wayne Ambler suggests that “the city is seen at first...as a natural creature with a life of its own,” “Aristotle’s Understanding of the Naturalness of the City,” *The Review of Politics*, vol. 47, no. 2 (Apr. 1985), 163-185, at 169. Richard Kraut provides a helpful correction to Keyt and Ambler’s respective readings, but he also reads Aristotle as holding that the city has a priority of *substance* to subpolitical associations. So that it makes sense to say that these smaller associations *are* a city in inchoate form (as boy is to man) *Aristotle*, (Oxford: Oxford Univ. Press, 2002), 244, 259-61.

of the city, but this does not necessarily preclude taking the goods and functioning of subpolitical associations to be basically instrumental to the political whole. This reading is, of course, significantly bolstered by the classical usage of the body metaphor, and Aristotle's compact argumentation gives plenty of opportunity to integrate ideas about the completeness of the city with the body politic. Since I have covered in a previous chapter what I take to be the primary intent of that metaphor to be, I will not recapitulate the argument here. Suffice it to say that whatever its legitimate use, the metaphor often does obfuscate an adequate articulation of the city's completeness.

The difficulty is compounded by the idea that political science is the architectonic art—concerned with the last end in human affairs—that directs and uses all other arts for its own end. “Since [political] science uses the rest of the sciences, and since, moreover, it legislates what people are to do and what they are not to do, its end seems to embrace the ends of the other sciences.”<sup>25</sup> The highest practical art, then, seems to direct individuals to their role as citizens and subpolitical associations to an instrumental function in fulfilling the city's purposes. These difficulties are not fully answered by noting that the city is merely a unity of order<sup>26</sup> because the problem is not generated simply by conceiving of the city as a natural, organic substance. The problem emerges in articulating the extensiveness of the city's common good—as an association embodying the highest end of human action and the fulfillment of other associations.

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<sup>25</sup> NE I.2, 1094b5.

<sup>26</sup> See Aquinas's famous differentiation of the kinds of unity found in unitary beings and associations in Aquinas, CNE, Bk. I, Lec. 1, nn. 4-6.



There are a number of challenges that arise in response to the claims of political community—the superiority of the contemplative life, the incompetence of government on a range of issues central to the human good, the basic equality and dignity of human persons that precludes subsumption into larger wholes<sup>27</sup>—but I think perhaps the most powerful one is implicit in the distinction between intensive and extensive goods that the common goods of friendship and family illustrate. This distinction is also most important to our purpose here to articulate the formal structure of the political common good. The response is this. Given the great importance of these intensive associational goods as a means and intrinsic end of human flourishing—things inherently worthwhile—what are we to make of the thought that they are in some sense completed in the political community and thus ordered to its own purposes? Is this a plausible account?

The real goods of friends and family generate a normative claim in the face of political supremacy: Any contention by political community to represent the supreme common good—that controlling in human affairs—must be grounded in a substantively inclusivist account of essential subpolitical human and associational goods. That is, the plausibility of the political common good turns upon its including as substantively constitutive elements, not merely as embraced, incorporated, or instrumental parts, the essential goods that precede it.<sup>28</sup> The claim is that these associational goods are worth seeking for their own sakes, not simply as means to a higher good (*bonum honestum*). The intensive goods of friendship, family, etc. are such that it is very plausible to say that

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<sup>27</sup> On these issues, see respectively for example, Leo Strauss, *The City and Man*, 26-28; and Finnis, *Aquinas* (Oxford: Oxford Univ. Press, 1998), 170-80, 239-245, citing among other texts, Aquinas, ST, I, q. 113, a. 2 ad 3; I-II, q. 91, a. 4; q. 100, a. 9; II-II, q. 104, a. 5.

<sup>28</sup> For a very helpful discussion of constitutive parts and final ends, see J.L. Ackrill, “Aristotle on Eudaimonia,” in Rorty, *Essays*, 15-34, esp. 18-20.

higher associations are sought not to fulfill them, but to support them, to provide what is lacking in lives already rich with purpose and human goodness. The “greater” goods, therefore, are only such if they add to, not transform, smaller associations. If the political common good did not entail this inclusivist element, what real normative force could it claim insofar as it distorted or subsumed basic, intimate human goods? It bears noting here, as we have elsewhere, that the force of the subpolitical claim does not flow simply from an affective intensiveness, i.e., a claim that “Political community must include friendship because it is most important in my life.” Such a claim might explain the necessity of Aristotle’s observation that “Lawgivers apparently devote more attention to [friendship] than to justice,” but more is required if the *normative moral claims* of political community are to be addressed.<sup>29</sup> The intensiveness asserted is found in the range of personal and associational goods—physical, emotional, intellectual, spiritual—that can only be realized in intimate forms of human association.

Now, it is important to say that this is largely a formal point: the political common good must be in part the “good of friendship” + “good of family” + “good of church” + “good of civil associations.” It does not tell us what those goods are, and how they are necessarily preserved. For example, do the “child supervisors” of Aristotle’s best regime compromise goods essential to the goods intrinsic to familial association? Making that determination requires argument about what those intrinsic goods are, and what respecting them requires. Nevertheless, it is an important foundational orientation to

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<sup>29</sup> NE VIII.1, 1155a23.

acknowledge that, whatever role the family plays as part of the larger whole, it must be consistent with the goods realized in familial relationships as such.

I think that this claim is, in fact, borne out in the logic of the political common good's primacy we discussed above. This primacy derives from the political community's formal connection to a final end—in both cases of qualitative and quantitative extension. “Full sufficiency for living well” identifies the city as complete and the greatness of self-sufficiency as being the best end. This would seem to necessarily entail that whatever is rightly judged to be essential to living well must be taken to be a part of the city's purpose. Yet clearly this cannot mean that it is realized in the political community per se. Very many of the associational goods of friendship and family are destroyed at that level of extension. Moreover, insofar as more intimate communities reach beyond themselves to make up for what they are lacking, the motivation to do so is destroyed if their essential goods are fundamentally transformed, such that the association becomes other than it is. This recognition is completely compatible with the idea that “full sufficiency” may entail adding or contributing previously unrealized elements to the goods of subpolitical associations. As Trevor Saunders describes it, the Aristotelian ascent entails that greater associations, which first issue out of necessity, come themselves to embody new potentials beyond those things contemplated in their initial formation.<sup>30</sup> Reason operates on necessity and reveals at each level of association, new modes of interaction and flourishing. But this does not, cannot plausibly, entail that the essential goods of prior associations become something

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<sup>30</sup> *Politics: Books I and II*, 68.

other than what they were before. In this case “full sufficiency for life” would not be obtained, but rather a new, fundamentally altered, kind of life that would require justification as such.

In similar fashion, the classic Aristotelian identification of political science with the supreme end of human affairs is a purely formal argument. The supreme end of human affairs, Aristotle reasons, must belong to the most important and truly architectonic science. Because political science appears to be the most architectonic, directing those sciences below it to its end, its concern must be the supreme good. “Thus it follows that the end of politics is the good for man.”<sup>31</sup> Now, this statement may be read in a couple of ways. First, it may be taken as a statement about what politics must be about, namely the human good and extending that good to many people. This reading works by connecting the architectonic or controlling characteristics of politics to the controlling end of human action, i.e., the human good.<sup>32</sup> Second, the statement may be read as identifying the good for man by the end or aims of politics. The city’s interest in and definition of citizenship specify the “good for man.”<sup>33</sup> Here, Aristotle is deemed to be saying (at least on one level) that the concerns of the polity are the supreme good, rather than that the polity must be concerned with the supreme good. The former reading is more compelling, it seems to me, both interpretively and normatively. On the second

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<sup>31</sup> NE, 1.2 1094b6.

<sup>32</sup> Aquinas’s reading of Aristotle follows this line. See CNE, Bk. I, Lec. 2, nn. 24-31.

<sup>33</sup> See Robert C. Bartlett, “Aristotle’s Introduction to the Problem of Happiness: On Book One of the ‘Nicomachean Ethics,’” *American Journal of Political Science*, vol. 52, no. 3 (Jul., 2008), 677-687, 678. “The political community regards and wishes to have regarded as settled not only the specific character of the good life for its citizens—be it the life of commerce, piety, or martial courage, for example—but also the superiority of the good of the community to that of any private good.” For a somewhat different interpretation of this argument than the two offered here, see Michael Pakaluk, *Aristotle’s Nicomachean Ethics: An Introduction*, (Cambridge: Cambridge Univ. Press, 2005), 48-53.

reading, we must take Aristotle to be saying that because politics functions architectonically, its good must be controlling or final. This seems simply to assume the validity of the substantive primacy of politics as such, which there seems to be little reason for Aristotle to advance with no argument. On the other hand, the first reading serves to connect, on the basis of the general form of politics, the highest end of human action, i.e., the human good, with the science which seems to be responsible for pursuing it—*without* making unjustified assumptions about what the content of that good is. The argument demonstrates that politics must be concerned with the human good (and extending that good to many people).<sup>34</sup>

The first reading is also more normatively compelling because it orients the purpose of politics to the human good, which is, as I have argued here, replete with non-political goods, rather than defining the human good according to the interests and aims of political community. If politics is taken as a unique, architectonic association that addresses itself to understanding and promoting the full range of human goods—and itself contributing to that store of worthy ends—its claim to supremacy might be compelling. But as an association definitive of the human good *per se*, its claims simply run aground on both the objective dimensions of human goodness (i.e., those that are not defined according to the interests or needs of the political community) and the other basic associations that indispensably contribute to that goodness.<sup>35</sup>

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<sup>34</sup> For both Aristotle and Aquinas, quantitative extension of the human good grounds the primacy of politics in this argument. The best reading is not, I think, to contrast the good of one man with the good of the state *per se*, but to juxtapose the good of one person with the good of many people.

<sup>35</sup> It is worth noting that the position I am attributing to Aristotle is consistent with his thinking—as Barlett and others want to maintain—that there is ultimately no real common good. The principle I am advancing does not say that the claims of political community are justified. It simply specifies what conditions must

This leads us to an important formal principle of the common good: It must be inclusivist, i.e., including the good of each person, and including the distinct goods of each form of association within its purview that is essential to the human good—friendships and families most essentially. This means that in formally describing the common good of political community—that which motivates formation of the political community and which justifies its authority—we must say (as a matter of formal orientation) that it is aggregative, i.e., the good of each person within the community and the good of each subpolitical association essential to their flourishing as human persons. Inclusivity also entails that the aim or goal of the association—particularly insofar as it includes goods distinct from its own functioning—must be distinguished from the association itself. The preeminence of the political community’s aim does not entail its preeminence as a distinct association. The central thrust of the argument here may be restated as follows:

1. The ultimacy of political community depends upon its inclusivity.
2. Because of the essential diversity of human persons and human associations, inclusivity entails aggregation of subpolitical goods.
3. Thus, political community *qua ultimate* is not specifically political and *qua specifically political* is not ultimate.

#### **THE COMMON GOOD AS AGGREGATIVE AND DISTINCTIVE**

This inclusivist character of the political common good is what I take to be most persuasive in Mark Murphy’s argument in favor of an aggregative conception of the

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be met for them *to be* justified. So if it is the case, for example, that the political community cannot facilitate and sustain the philosophic life (granting that Aristotle takes it to be essential to human flourishing), its claims to primacy are vitiated.

common good, which he advances to the exclusion of Finnis's instrumentalist account and the traditional view of the common good as "distinctive," i.e. realized in the good of the political community as such.<sup>36</sup> By engaging Murphy's argument, which in important respects runs parallel to my own, we can see what additional formal requirements must characterize the political common good if we are to give it an adequate description. Our aim here is to address what should be said about political association as such. In the preceding arguments, we have moved toward a description of the common good that is diverse insofar as it must be described as aggregative of individuals and subpolitical associations. Now, the question is, is there anything more that must be said about political community per se? What is the status of political association in this overall common good? To that end, let's consider Murphy's argument.

His basic concern is this. Given that natural law theory grounds the authority of law in its promotion of the common good, he wants to articulate a concept of the common good that plausibly explains the allegiance owed to it. He contends that this is only achieved in an aggregative conception of the common good, i.e., one in which the goods realized are the intrinsic goods of those within the political community. If it is a reason to adopt a law that it would promote X's good, the reason is even greater if it would in addition promote A's good and B's good, and so on. (This basically reproduces the element of quantitative extension mentioned above.) His view, Murphy contends, does not reduce to Hobbesian individualism insofar as the good that is common—the

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<sup>36</sup> Murphy, *Jurisprudence and Politics*, 61-90. As I have given my own assessment of Finnis's instrumental account in the first chapter, I will not discuss Murphy's engagement with Finnis here, but will instead focus on his engagement with the distinctive view of the common good.

shared aim of all reasonable agents in the community—is conceived as the good of all, i.e., A’s good + B’s good + C’s good + D’s good, and so on, extending to all individual members of the community. All reasonable members of the community will take promotion of their own flourishing and that of everyone else in the community as its common purpose.<sup>37</sup> So the end is truly common insofar as members of the community desire and act in part for each other’s flourishing. Note that this view does not entail that the good of every individual in the community is realizable in practice. Rather, it establishes the aggregated good of all as a regulative ideal that guides individual and common action. It may be that particular circumstances require compromise or simply lead to irreconcilable interests, but this does not prevent community members from adopting the good of all as a goal or seeing the reasonableness of doing so. Murphy advances his account against the traditional view, represented by Aquinas, in which the common good is understood as a state of affairs which is the good of (or good for) the community per se. For Aquinas, Murphy contends this good is the condition of the community’s justice and peace.<sup>38</sup> Although Aquinas and many recent Thomists understand the allegiance the common good claims “in terms of its place in one’s own overall good,” what the common good realizes is distinctive to the community as such.<sup>39</sup>

Now, Murphy does not deny the existence, in Charles Taylor’s phrase, of “irreducibly social goods,” nor does he doubt their intrinsic-ness to human well-being, as

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<sup>37</sup> Ibid., 63-65.

<sup>38</sup> Ibid., 73, citing Aquinas, ST, I-II 96.3: “Nevertheless human law does not prescribe concerning all the acts of every virtue: but only in regard to those that are ordainable to the common good—either immediately, as when certain things are done directly for the common good—or mediately, as when a lawgiver prescribes certain things pertaining to good order, whereby the citizens are directed in the upholding of the common good of justice and peace.”

<sup>39</sup> *Jurisprudence and Politics*, 75.



our earlier discussion made evident.<sup>40</sup> It makes sense to speak of the good of a community per se—any range of communities from sports teams to polities. Yet, recognizing that certain intrinsic human goods are basically social does not entail, Murphy wants to maintain, that we also accept the good of the community per se as providing a fundamental reason for action. On his welfarist account of practical rationality, “all fundamental reasons for action must be framed in terms of individuals’ well-being.”<sup>41</sup> Thus, Murphy resists a reconciliation of the two views that would identify the *content* of the common good as *both* the goods of individual persons (the good of each member of the community), and the good of the community per se. To give the good of the individual human person and that of the social group equally fundamental relevance in deliberation runs afoul of a basic commitment to the human good. Therefore, for Murphy, although we may recognize the intrinsic sociability of some human goods, the only persuasive account of the common good is framed in aggregative terms—the good of all individual persons within the community.

For reasons I have already stated, I think that Murphy is right in maintaining that any plausible account of the common good must be finally grounded in the good of the individuals who comprise the association. It is insufficient and implausible to maintain that the allegiance owed to law and the common good terminates in the good functioning

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<sup>40</sup> Charles Taylor, “Irreducible Social Goods,” in *Philosophical Arguments* (Cambridge, MA: Harvard Univ. Press, 1995), 127-145. Defining the common good as the aggregated good of each member of the community saves Murphy from a Hobbesian ethical egoism, but it is this recognition of irreducible social goods that distinguishes his position from methodological individualism, i.e., “The events and states which are the subject of study in society are ultimately made up of the events and states of component individuals” (Taylor, 129). Classical philosophy described this distinction as a formal difference between wholes and their parts. See Aquinas, ST II-II, q. 58, a. 7 ad 2, citing Aristotle’s *Politics* I.1. For further discussion see, M.S. Kempshall, *The Common Good in Late Medieval Political Thought*, 118.

<sup>41</sup> *Jurisprudence and Politics*, 77.

and purposes of the community as such. If it cannot be followed up with an account of how the community is in fact good for human persons, allegiance to the common good is indeed in serious question.

However, I think that Murphy mistakenly conflates two distinct issues, on the one hand, *allegiance* to the common good, and on the other, the *content* of the common good. The issue of allegiance, i.e., why a good deserves my respect and/or pursuit, is different from the issue of content, i.e., of what does the good consist?<sup>42</sup> He is willing to acknowledge the existence of real irreducible social goods, and that the goods of associations as such are epistemically accessible. That is, we can know what it means to advance the good of a group per se. Moreover, he takes at least some of these communities to be basically constitutive of human flourishing. Nevertheless, Murphy does not think we need an idea of a distinctive common good because it ultimately must recur to the good of each one aggregatively conceived. The distinctive common good, as a matter of grounding allegiance, is superfluous.

That may be true, but given what Murphy is willing to acknowledge about the nature of social goods, I think the question is whether the character of a common good (political or otherwise) can be known without a conception of the distinctive flourishing of the association. If such a conception proves necessary, then it would seem that knowledge of a basic good—human community—is contingent upon a distinctive common good, not just the good of everyone in the community, but the good of the community as such. If this is the case, even though one may have to concede that the

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<sup>42</sup> Murphy repeatedly raises the issue of content in addition to that of allegiance at 76-77.

distinctive common good is “parasitic” on the aggregative common good with respect to the allegiance issue, with respect to the epistemological issue (i.e., Is the common good sufficiently knowable?) the aggregative conception is likewise parasitic on the distinctive conception.<sup>43</sup> In other words, it is unclear that Murphy’s claim to general epistemic access to the human good, given what he has argued about the social nature of human flourishing, can be fully granted apart from a notion of the flourishing of associations as such. If such epistemic dependence indeed obtains, it would seem that distinctive common goods must be accorded some fundamental status in the structure of practical reasoning.

Propositionally, my argument runs as follows. 1-4 are claims Murphy defends or recognizes as true. The 5<sup>th</sup> claim is what I take to necessarily follow.

1. Human community (or friendship) is a basic human good, a fundamental reason for action.
2. The most significant forms of community are characterized by *intrinsic goodness*, i.e., the community itself is an inherent part of the good that is sought.
3. Intrinsically good sociability is irreducibly social in that it cannot be adequately described by the goods of the parties engaged in the association. The association or its intrinsic characteristics<sup>44</sup> are the relevant good sought.

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<sup>43</sup> By “parasitic” Murphy means that one conception of the common good ultimately derives what force it has by appealing to another. The distinctive common good is parasitic on the aggregative, Murphy contends, because a fully reasonable account of allegiance to a particular community requires some explanation of contribution to the (individual) human good (63, 69, 76-80).

<sup>44</sup> Charles Taylor, for example, gives a helpful account of the intellectual and cultural possibilities enabled by the “background of available meaning” developed within communities in “Irreducible Social Goods,” 131-140. For another very helpful description of social entities and their characteristics, particularly as the idea developed in the jurisprudential doctrines of legal personhood, see Russell Hittinger, “The Coherence of the Four Basic Principles of Catholic Social Doctrine: An Interpretation,” in Pontificia Accademia delle Scienze Sociali., *Pursuing the Common Good : How Solidarity and Subsidiarity Can Work Together : The Proceedings of the 14th Plenary Session, 2-6 May 2008, Casina Pio IV* (Vatican City: Pontifical Academy of Social Sciences, 2008), 75–123.

4. It makes sense to speak of the good condition or flourishing of an association as such, whether it is a team, club, friendship, etc.
5. It makes sense, therefore, to speak of the good of an association as such as fundamentally relevant to deliberation, insofar as it intrinsically and irreducibly instantiates goods—community and friendship—that are constitutive of human flourishing.

Whereas Murphy is willing to acknowledge the existence of irreducible social goods and the flourishing of associations as such, he resists the further inference that claims about what is good for an entity as such have fundamental practical or moral importance. If, for example, we consider justice as the well-ordered condition of a community as such, nothing is added to its choiceworthiness once the goodness of the community's members exercising justice toward each other has been bracketed. The justice of the community as such provides no normative pull.<sup>45</sup> In explanation he adduces what strikes me as a telling example: "Whether a vacuum cleaner is in good or bad condition is of no fundamental practical importance—it can only be made practically relevant by appeal to other reasons for action, reasons that are themselves fundamental or appropriately connected to reasons that are fundamental."<sup>46</sup> His point seems to be that simply being able to speak of the good of an association as an entity does not warrant its being given special status in practical deliberations. Entities of various kinds exist, such as vacuum cleaners, that it makes sense to speak of in similar ways and which are nonetheless entirely instrumental, i.e., are only of practical importance to the degree that they serve external ends.

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<sup>45</sup> *Jurisprudence and Politics*, 77-79.

<sup>46</sup> *Ibid.*

However, the problem with Murphy's analogy, it seems to me, is that it requires an instrumental function for each of the social entities he has under discussion. We may, of course, concede this in many cases. For instance, it makes sense to speak of the good functioning or success of a business partnership as such, but given its merely instrumental purpose, i.e., it is sought only as a means to ends external to its own operation, such considerations do not count as being of fundamental importance to practical rationality. The fact that the distinct good of a business partnership may diverge from the individual financial interests of each of its members is not in itself reason to protect or promote the partnership as such. Can we say the same thing, however, in cases where the association in question intrinsically instantiates the basic good of community or friendship? In such cases, it would seem, the good functioning of the social entity bears an essential relationship to the human good and thus has some claim to being of fundamental practical importance itself.

Against Murphy's, the claim that I want to advance here is that in cases where intrinsic, irreducible social goods are realized in particular associations, understanding what the individual human good is becomes partially informed by the requirements and flourishing of that association as such. Thus, the distinctive good of the association per se becomes of fundamental practical importance. This follows necessarily, I think, from the fact that some basic human goods are social, and these goods are irreducibly social. Thus, the logic and flourishing of the association itself becomes of basic importance insofar as it is essentially constitutive and epistemically necessary to understanding the individual human good.

This point, that the distinctive character of basic associations becomes of fundamental relevance to practical deliberation, is helpfully illustrated in a couple of ways. First, recall Aristotle's careful attention in the *Nicomachean Ethics* not only to the intention of parties engaged in friendship, but also to the objective requirements of various friendships. If the central case of virtuous friendship is to really exist, Aristotle argues, a condition of equality must obtain between the two parties. Spending time together in the activity characteristic of the friendship, too, is essential to the nature of the relationship. When friends are cut off by distance or distraction from the activity of the relationship, in time it will fundamentally change, and the goods it realizes will be altered.<sup>47</sup> A central implication of Aristotle's account is that there are a range of conditions necessary to the full functioning and realization of different kinds of friendship that are independent of the parties' good intentions for the relationship. What this requires if, for example, close friendships are to be maintained is an attentiveness to the relationship as such. Given that it develops from particular human capacities, perfections, needs, and limitations, friendship *is* something—a distinct and identifiable kind of relationship that cannot be reduced to, or generated solely from, personal intentions. This social fact requires something in addition to the “third point of view” which Finnis (rightly, in my view) describes as that characteristic of true friends, in which “one's own good and one's friend's good are equally ‘in view’ or ‘in play.’”<sup>48</sup> It requires not simply that friends will and act in a friendly way toward each other, but that in some sense they are attentive to the friendship itself. If friendship is to be realized as

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<sup>47</sup> NE VIII.3, 5.

<sup>48</sup> Finnis, *Natural Law and Natural Rights*, 129.

part of an individual's good, the friendship itself must factor into the complex of basic goods that are arranged, ordered, and prioritized to achieve the best good, both for oneself and one's friend.

It may seem odd to speak of close friendships in this way, and certainly the activity of friendship upstages the relevance of attention to the relationship as such. However, it seems that the more extensive an association becomes, the more pronounced is this difference between the social goods intrinsic to the association and the association itself. Even at the relatively narrow extension of familial association, it seems that realizing familial goods requires careful attention to the family per se as a distinct association. One may ask, is it sufficient for the flourishing of a family for each person to have an aggregative conception of the association, i.e., all desire each other's goods and their own? I think not. Concern for individual goods alone, as central as that is to the flourishing of the family—and constitutive of its good—is likely to lead to a diffused family life. Members may recognize the good of distinctly familial interactions as something good for the individuals of the family, but achieving that good seems to require practical deliberation from the perspective of the family—not as a unit that transcends the goods of its individual members, but as one that contributes substantively to them. If it is the case that a complex of relationships and shared interaction constituted in *this* family contributes something intrinsically good to each of its members, achieving the good for each requires attentiveness to what those particular goods are, what conditions are necessary to their realization, and how they are to be fostered and protected in the long term. Additionally, if the associational goods are recognized as

contributing constitutively to the basic flourishing of family members, it follows that the role each member plays within the group, as constitutive of and contributing to its good, becomes partially constitutive of his *own good* individually conceived. Thus, on this account, accurately describing the good and flourishing of Sir Thomas More requires inclusion of his familial roles, “Husband of Alice,” “Father of Margaret,” and so on. Insofar as these roles exist as part of a distinct familial association, the good of that association informs the content of those roles and thus part of what the overall good of Thomas More reasonably entails. The flourishing of basic associations like the family, then, is of fundamental practical importance.<sup>49</sup>

The upshot is that I am willing to concede Murphy’s point (both on practical and metaphysical grounds) that the distinctive view is “parasitic” on the aggregative common good view when it comes to the issue of allegiance. Equally clear, however, is the epistemological dependence of the aggregative conception of common good upon a distinctive conception. If goods of community are taken to be intrinsic to human flourishing, the flourishing of those constitutive communities as such reveals, in part, the requirements and necessities of human flourishing. I take this to be, in part, the motivating idea behind Alasdair MacIntyre’s essential link between individual goods and virtues and the goods of communities. “The identification of my good, of how it is best for me to direct my life, is inseparable from the identification of the common good of the

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<sup>49</sup> This raises the further issues of how one’s various social roles are to factor into an overall assessment and ordering of the human good and how the goods are to be ordered and balanced in particular circumstances. Adjudicating these questions goes beyond the scope of the present inquiry. For now it is enough to conclude that in the process of practically ordering a life according to a range of available goods and responsibilities, the distinctive goods of basic associations should be included in fundamental deliberation.



community, of how it is best for that community to direct its life.” While I do not share MacIntyre’s additional contention that “such a community is by its nature political,”<sup>50</sup> I do think that he is right to recognize an essential connection between individual and common goods. Moreover, as I will argue in the next chapter, I think there is room to affirm a unique, intrinsic contribution of politics to the range of social capacities without ceding to political community a subsuming or oppressive role in human life.

## CONCLUSION

Regardless of whether we take the political community *qua* association to merit heightened protection as a distinctive common good for Murphy or a “group person” for Hittinger, the aggregative character of the common good requires a formal structure to the common good basically like Finnis’s differentiation between the common good of political society (i.e., the all-inclusive good of everyone in the community) and the political common good (i.e., the specifically political domain of law and government concerned with maintaining conditions of justice and peace). The relationship between these two conceptions of the common good is, of course, of great importance, or perhaps more to the point, the relationship of law and government to the overall common good

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<sup>50</sup> Alasdair MacIntyre, “Politics, Philosophy, and the Common Good” in *The MacIntyre Reader*, ed. Kelvin Knight (Southbend, IN: Univ. of Notre Dame Press, 1998), 241. The whole thought is this: “Such a form of community is by its nature political, that is to say, it is constituted by a type of practice through which other types of practice are ordered, so that individuals may direct themselves towards what is best for them and for their community.” My main objection is that it does not seem to me that political community is unique in ordering types of social practice. While it may be the topmost association that so orders, other associations, such as the family perform a similar function.

Thomas Hibbs has criticized MacIntyre for essentially the same reason, i.e., an insufficient distinction between politics and other ordering associations, but his criticism comes from the opposite direction. He contends that MacIntyre’s account of politics does not, in fact, rise to the level of political association due to its lack of a regime theory that is necessary to ground political sovereignty. See Thomas Hibbs, “MacIntyre, Aquinas, and Politics” *The Review of Politics*, vol. 66, No. 3, (Summer 2004), 357-383.

aggregatively conceived. Here I think Finnis is also essentially right in his description of the relationship. Government and law promote individual and subpolitical associational goods primarily indirectly, not through direct involvement in daily affairs, but by ordering society according to a sound conception of individual, familial, and general social flourishing. It is, in fact, precisely a sound understanding of these goods and a responsibility to see them encouraged and facilitated in the political order that limits the scope of state involvement in daily affairs, and allows for the general pursuit of one's own "unrestricted purposes."<sup>51</sup> Apart from an aggregative conception of the common good, which takes cognizance of the full scope of human potential and the existence of "irreducibly diverse"<sup>52</sup> associational goods, the state is most likely to treat the political roles of individuals and subpolitical associations as the only or the controlling roles they play.

The specifically political common good, on the other hand, is that element of the political community structured around law, government, and the political participation of citizens. As will become clear, my main divergence from Finnis is to give a considerably wider scope to this specifically political good. Finnis, for example, has little room for either active citizenship or civic friendship in the concept of the political common good. The thrust of my argument in favor of the intrinsic goodness of political life aims to expand this notion of the political, and thus the goods we take to be inherent to it. Such an argument revivifies the distinction that Jacques Maritain made between the state and

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<sup>51</sup> Finnis, *Aquinas*, 231.

<sup>52</sup> *Ibid.*

political community.<sup>53</sup> For Maritain, it is the state (i.e., the institutions of government) that is instrumental to basic human associations, but it is instrumental not just to subpolitical associations, but to the wider realm of political interaction as well. Although the state plays an important role in articulating and encouraging the practice of active citizenship among its members, the nature of political association cannot be reduced to this formal element. The constitutional identity of a people must not be understood simply in terms of formal political definition, but according to a wider realm of political culture, a realm which I will argue can be characterized by the voluntary engagement of civic friendship. Finnis's instrumentalizing of the specifically political common good, as I argued in the first chapter, largely follows from a substantive collapse of this political sphere into the domain of government and law. But of course, defending the intrinsic value of this broader idea of political community requires particular justification in light of the diversity, and thus apparently diminished potential for civic friendship, characteristic of modern societies. It is to such an investigation and defense that we now turn.

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<sup>53</sup> *Man and the State* (Chicago: University of Chicago Press, 1951).

## **Chapter VI: Civic Friendship as the Substantive Political Good**

In turning to a discussion of the substance of the political common good, this investigation has come full circle. We have worked our way to an account of the intrinsic goodness of political community—something I argued in the first chapter that Finnis’s discussion leaves incomplete. If we are successful in this argument, the result (as the last chapter argued) will be that the good of the political community as such must be included as one of the constitutive components of the common good and fundamental in the calculus of practical reason. This does not entail that it is the only such good, or that due to its architectonic status it justly comes to subsume other fundamental social goods. Rather, my argument demonstrates that political community makes unique and intrinsic contributions to human sociability. But it does not per se include all intrinsic aspects of that sociability, and so insofar as it is complete, it must be an association of associations.

So we turn to consider political community as such—a community whose common good in important respects includes aggregatively the common goods of other associations. However, we need to narrow the investigation further still. I criticized Finnis for reductively speaking of the “specifically political” simply in terms of the operation or domain of law and government. I maintained that a complete discussion of political community must account for actions of individuals and sub-political groups in the act of associating. This entails that law and government are only discrete parts of what we should recognize as specifically political community. This distinction is an essential one, I maintain, because it is decisive to the issue of political instrumentality.

In this discussion, I will focus specifically on civic friendship, discussing other important political concepts such as justice and citizenship to the degree that they relate to this relationship. I have chosen to focus on civic friendship instead of citizenship for a couple of reasons. First, civic friendship in important respects includes and exceeds

citizenship insofar as citizenship provides the basic form of political relationships, and civic friendship perfects that formal relationship with the addition of a certain kind of friendliness. Second, and more importantly, insofar as a large part of the value of citizenship is realized in the expansion of knowledge and practical reason in the wider domain of political community, it is more vulnerable to the “superpolitical” or universalist challenge to the political common good. The breadth of knowledge gained at the political level clearly stands to be improved by looking beyond the political community. We may think, for example, of the central role that political communities play in Alasdair MacIntyre’s (Aristotelian) account of practical rationality. For MacIntyre, the identification of my good—how it is best for me to direct my life—is inseparable from the identification of the common good of the community, how it is best for the community to direct its life.<sup>1</sup> Thus, an adequate cultivation of practical reason requires exercise of political reason. Political community places pursuit of the individual good in its necessary and proper context. Nevertheless, MacIntyre argues that the full development of practical reason takes place within a *tradition*,<sup>2</sup> a form of rational inquiry extended over time that transcends particular political communities. Therefore, full rationality (and we may include theoretical reason too) transcends the borders of particular communities. Consequently, if we are interested in articulating the particular good of political communities, we shall have to look other than to their giving citizens access to more complete moral and theoretical knowledge. For this justification necessarily draws our attention beyond the political community itself.

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<sup>1</sup> Alasdair MacIntyre, “Politics, Philosophy, and the Common Good” in *The MacIntyre Reader*, ed. Kelvin Knight (Cambridge: Polity Press, 1998), 235–252, 241.

<sup>2</sup> “What the Enlightenment made us for the most part blind to and what we now need to recover is...a conception of rational enquiry as embodied in a tradition, a conception according to which the standards of rational justification themselves emerge from and are part of a history in which they are vindicated by the way in which they transcend the limitations of and provide remedies for the defects of their predecessors with the history of that same tradition.” *Whose Justice? Which Rationality?*, 7.

In contrast, the relation of friendship turns on its particularity. It entails varying degrees of personal connection that cut against the universal pull of other claims to political completeness (or perfection). Thus, if the superpolitical challenge to political community is going to be adequately met, friendship is the domain in which the argument must be made.

### ARISTOTELIAN CIVIC FRIENDSHIP

It is not altogether clear what might be meant by “civic friendship.” Friendship seems to entail a close association and sharing of life between two people, something hardly characteristic of political association on any account. As Aristotle says, spending time together is most characteristic of friends (NE IX.10, 1171a1), and yet citizens have little personal knowledge of each other.<sup>3</sup> Civic friendship, in fact, is not always readily differentiated from a kind of promiscuous gregariousness that often appears more obsequious than genuinely friendly.<sup>4</sup> Gilbert Meilaender pushes this general paradox a step further, arguing that civic friendship is a fundamentally incoherent idea. On the one hand, justice must be evenhanded and impersonal, but, on the other, friendship is intensely personal.<sup>5</sup> So it would seem that civic friendship is a misguided notion in practice and arguably a misbegotten idea in principle.

And yet, it would also seem to be an ideal closely allied with patriotism and civic virtue as the core of political life. As Aristotle observes, friendship holds states together

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<sup>3</sup> [J]ust as cities are friends to one another, so in the like way are citizens. ‘The Athenians no longer know the Megarians’; nor do citizens one another, when they are no longer useful to one another...” *Eudemian Ethics*, trans. J. Solomon, in *The Complete Works of Aristotle: The Revised Oxford Translation*, ed. Jonathan Barnes, vol. 2, Bollinger Series LXXI (Princeton, NJ: Princeton University Press, 1984), 1242b22.

<sup>4</sup> Aquinas, *Commentary on Aristotle’s Nicomachean Ethics (hereinafter “CNE”)*, nn. 1923-24.

<sup>5</sup> Gilbert Meilaender, *Friendship: A Study in Theological Ethics: Philosophy*, 1st ed. (Notre Dame, IN: University of Notre Dame Press, 1985), 74–75.

and lawmakers give more attention to it than to justice (NE VIII.1 1155a25).<sup>6</sup> Moreover, the Aristotelian ideal, which Thomas Aquinas appears largely—if not completely—to adopt, holds the political community up as a partnership in the good life, understood as a life of virtue (*Politics* III.9). Aristotle explicitly rejects a utilitarian, contractarian view of political community, an option that seems plausible given these real limits on civic friendship. How then are we to understand what civic friendship involves? To what degree can politics accommodate a genuine relationship of friendship among citizens? What is the purpose of such a friendship? What is its object? And what is its primary mode of activity?

### **The Shared Goal of Civic Friendship**

Not surprisingly, Aristotle's explanation of civic friendship generally follows his explication of the end or purpose of the city. Just as he maintains that the city comes to be for the sake of life, but exists for the sake of the good life, Aristotle's account of the friendly relations among citizens recognizes both this utilitarian foundation and virtuous aspiration. Although he apparently identifies the primary case of civic friendship with a particular kind "like-mindedness" in basic civic affairs, in some important senses its application seems to extend much further.

Aristotle is, of course, famous for his capacious notion of friendship as a relation that in some manner accurately describes both the basically self-interested agreements of business partners, as well as the full regard for a friend as an "other self" that can grow between people of virtue.<sup>7</sup> Every association, in fact, entails a basic friendliness,

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<sup>6</sup> A lawmaker's attention to friendship must concern giving room for its growth in non-political contexts, of course. Aristotle's rebuff of Socratic communism demonstrates this point. But he is also clearly concerned here with friendship at the level of the political community.

<sup>7</sup> Although I take John Cooper's point that no form of friendship for Aristotle treats the other simply as a *means* to one's own end, I agree with Aquinas that insofar as friendships of utility and pleasure refer the other's good to one's own use or enjoyment, they lose the essential nature of true friendship. See Cooper's

Aristotle thinks, since a commitment to a plan for common action, insofar as it is framed according to a just and fair treatment of all parties involved, entails a commitment to the good of other members of the group (encompassed in the common good) (NE VIII.9).<sup>8</sup> Thus, between members of an association committed to pursuit of a common good, there exists a form of the mutually recognized goodwill that essentially characterizes friendship (NE VIII.2, 1155b31, 56a3-5). Moreover, insofar as there is a commitment to act for a particular person or group of people, we can take the goodwill involved to exceed the general feeling of benevolence we tend to have for our fellowman (cf. NE IX.5, 1166b30-67a20), but insofar as it falls short of affection or a regard for the other's good simply for his own sake, such relationships are friendships in a secondary sense.

Consistent with his account of the city's origins, Aristotle's explanation of civic friendship begins in human need and insufficiency. "Civic friendship," he observes, "has been established mainly in accordance with utility; for men seem to have come together because each is not sufficient for himself, though they would have come together anyhow for the sake of living in company" (*Eudemian Ethics* 1242a5-8). It is not, however, the most basic needs of the city—safety, tranquility, material provision—which Aristotle associates most directly with civic friendship. Nor is civic friendship strictly an association of necessary compromise or capitulation. Aristotle thinks of it, rather, as a form of association which involves a certain amount of like-mindedness, "when citizens have the same judgment about their common interest, when they choose the same things and when they execute what they have decided in common." Moreover, their agreement

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argument in "Aristotle on Friendship," in *Essays on Aristotle's Ethics*, ed. Rorty, 301-340, esp. 308-315. Aquinas's point is made at ST, I-II, q. 26, a. 4 ad 3.

<sup>8</sup> See Michael Pakaluk, *Nicomachean Ethics: Books VIII and IX*, 111-114, for a helpful explanation of the structure of Aristotle's thinking here.



concerns the most important matters of the city's operation, e.g., requirements of office, alliances, etc. This Aristotle calls "concord" (NE IX.6, 1167a25-30).

Michael Pakaluk helpfully emphasizes that the citizens' agreement, or common judgment, represents more than the happenstance which might be inferred from "like-mindedness" (*homonoia*) or "concurrence of opinion" (*homodoxia*).<sup>9</sup> Communication and mutual recognition of agreement are essential to Aristotle's description of concord. This obviously anticipates the basic political principle—shared deliberation about the just, good, and advantageous—that explains the emergence of political community in the opening arguments of the *Politics* (I.1). In one sense concord does naturally exist among good men insofar as they share a desire for the just and useful and remain constant in their desire for it. This *wish* for what inures to the common good, however, is necessarily realized in common political deliberation.

Lorraine Pangle draws attention to a second important aspect of concord: the way in which general goodwill can mature into stronger affection for fellow citizens as shared projects are undertaken and difficulties faced in common—as fellow citizens "enter sympathetically into one another's struggles and hopes" and thus increase the stock of natural goodwill.<sup>10</sup> As Pangle observes, Aristotle seems to signal this dynamic in part by following up his discussion of concord in NE IX.6 with a consideration of the way in which benefactors grow in love for the recipients of their kindness. With every action for the city and for one's fellow citizens, civic friendship is naturally strengthened as common goodwill becomes attached to particular people, a particular community, time, and place. These affective components would seem to indicate at least the possibility of a

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<sup>9</sup> Ibid., 180-81.

<sup>10</sup> Lorraine Pangle, "Civic Friendship and Reciprocity in Aristotle's Political Thought," *forthcoming*, 6. See also, John Cooper, "Aristotle on Friendship" in *Essays on Aristotle's Ethics*, ed. Rorty, on the cultivation of friendliness in utility and pleasure friendships.

true form of friendship, as citizens' concern for the common good matures into genuine regard for each other's welfare. However, Aristotle is rather direct in marking the basically utilitarian character of civic friendship of this kind, and in the *Eudemian Ethics* he gives explicit attention to the pitfalls involved in setting an unreasonably high expectation for civic friendship, i.e. setting "moral friendship" as the standard for civic relationships that remain, despite a high degree of goodwill, essentially utilitarian.

And yet, it is difficult to see that Aristotle's conception of civic friendship stops short at this simply utilitarian notion. Given the trajectory of the city, as a community existing for the sake of the good life, it seems most likely that Aristotle would take the common deliberative pursuit of justice (and thus goodness) at the center of political life to follow this course, resulting in a notion of civic friendship keyed to the goodness and virtue at which the *polis* aims. This would not entail that civic friendship approximate the close personal friendship that exists between individuals; Aristotle explicitly rejects such a suggestion.<sup>11</sup> It does, however, suggest a development beyond the basically utilitarian concerns denoted by concord.

John Cooper argues that this is just the sort of progression that Aristotle articulates in Bk. III, Chapter 9 of the *Politics*.<sup>12</sup> Aristotle's argument there is that members of merely utilitarian alliances are distinguished from citizens of cities inasmuch as they have no concern for the habits and virtues of others in the association. They are concerned only with avoidance of harm. In contrast, citizens are concerned with the good state of the laws, and thus with political virtue and vice. Aristotle's initial contrast perhaps suggests that citizens are concerned with fellow citizens' virtue *for the sake of*

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<sup>11</sup> NE IX.10

<sup>12</sup> "Political Animals and Civic Friendship" in Symposium Aristotelicum, *Aristoteles "Politik": Akten Des XI. Symposium Aristotelicum, Friedrichshafen/Bodensee, 25.8.-3.9.1987* (Göttingen: Vandenhoeck & Ruprecht, 1990), 220–241.

maintaining good laws. This is part of it, of course, but by itself it would not seem to differ substantially from the self-interest motivating merely utilitarian alliances. However, this concern with effective maintenance of the laws is not all that is involved, as Aristotle soon indicates. For civic concern with law does not terminate with each party securing personal rights or interests, but rather in the goodness and justice cultivated in citizens themselves. Thus, the concern with the good condition of the city's laws is a concern, as Cooper puts it, "of each citizen for each other citizen, whether or not they know each other personally, and indeed whether or not they have had any direct and personal dealings with one another whatsoever."<sup>13</sup> He goes on to defend this shared concern for virtue as a plausible one, even in relatively unvirtuous regimes. Cooper adduces, very reasonably it seems to me, the sense of national pride and identity that seems to characterize political communities, even mass democracies. "This pride is not just in accomplishments, but ever more in the qualities of mind and character that (are presumed to have) made them possible. ...[T]hey want to think [of fellow-citizens] as good, upstanding people, and definitely do not want them to be small-minded, self-absorbed, sleazy."<sup>14</sup>

Aristotle goes on to argue that this shared concern for virtue in the city is grounded in a shared familial and cultural life that is oriented to the complete and noble life of the city. This political life:

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<sup>13</sup> Ibid., 230.

<sup>14</sup> Ibid., 232. Julia Annas objects to Cooper's account primarily by noting that diffused political relationships simply cannot plausibly sustain the personal regard and intimacy that Aristotle attributes to *philia*. See "Comments on J. Cooper," in *Aristoteles' "Politik"*, 242-248, 243. Given that Aristotle clearly recognizes the attenuation of political relationships, the question is whether he still thinks that some version of *philia* is still attributable to civic relations. As Lorriane Pangle points out, Annas fails to observe that Aristotle both equates political friendship with concord (at 1155a22-25 and 1167b2-3) and explicitly attributes concord to cities (at 1167a26-28). "Civic Friendship and Reciprocity," footnote 8. Pangle, however, is critical of the extent to which Cooper wants to take civic friendship, noting that he fails to acknowledge "the essentially competitive nature of the goods on which political friendship turns" Ibid., footnote 16.

“will not be possible...unless they do inhabit one and the same location and engage in intermarriage. That is why in cities marriage connections arose, as well as clans and sacrifices and the cultured pursuits involved in living together. Such things are the work of friendship, for the deliberate choice to live together is friendship. The end, then, of the city is living well, but these other things are for the sake of the end, and a city is the community of families and villages in a complete and self-sufficient life, which we say, is living happily and nobly” (*Politics* III.9, 1280b35-40).

So here Aristotle adds to the *proper object of friendship* (i.e., concern for a friend’s virtue<sup>15</sup>) the *mode of interaction* most characteristic of friends, viz. living and spending time together. At the core of Aristotle’s description is this important distinction: He does not say that the friendly relationships and activity of civil society are simply necessary to the kind of mutual concern for virtue that defines the city; he understands such social interaction to be deliberately oriented to political community as its purpose. Each citizen does not “use his own household like a city,” but instead orients life within the family to participation in life within the *polis*. This is because, for Aristotle, living well or nobly transpires specifically at the level of political community. The reason for this, as Gisela Striker has observed, is a rather narrow conception of practical intelligence that leads him to the conclusion that participation in government is an indispensable part of human happiness: “only political rulership will permit one to exercise [phronesis] for the sake of noble ends.”<sup>16</sup> The good life is the political life, most

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<sup>15</sup> Concern for a fellow citizen’s virtue for his own sake should not be equated with the love of the other self that characterizes the truest friendship between persons. It is, however, as Aristotle seems keen to show, much more than utilitarian interest. Whereas the concern is not rooted in close personal identity, it springs from a broader political identity that does seem substantial enough to ground real concern for fellow citizens.

<sup>16</sup> “Comments on T. Irwin,” *Aristoteles’ “Politik”*, 100. Striker’s observations were made in response to Terence Irwin’s view of Aristotelian civic friendship, but they are applicable here, even though I have focused on Cooper’s account rather than Irwin’s.

centrally in the exercise of political authority, but also, as Cooper's description of political identity emphasizes, through participation in the life of the political community and the achievements of its most accomplished citizens. Thus, familial and cultural pursuits are, in the Aristotelian polis, deliberately taken to be for the sake of the city (though not simply collapsed into political association, as in Socratic communism). Aristotle apparently takes this extension of family life, cultural pursuits, and educational endeavors (spelled out in Bk. VIII's description of the best regime), to embody a form of life that is the highest form of political friendship.

To recapitulate, then, the Aristotelian view of civic friendship runs as follows:

1. Its incipient form is found in the reciprocated goodwill expressed in associations formed to achieve a common end according to a just and fair plan.
  - a. If the common aim does not fairly include the good of each, it is not just.
  - b. If the association is not just, there is no common good and thus no reciprocated goodwill.
  - c. Thus, justice should be understood as the form of civic friendship.
2. Civic friendship centers around pursuing the ends of political life according to the political principle of deliberative discussion about the just, the good, and the advantageous. Thus, its trajectory follows the virtuous aspirations of the city.
  - a. Concord describes the common judgment citizens reach about matters important to political life through the process of discussion and debate.
  - b. Civic friendship is also characterized by an affective goodwill, a sympathetic concern for the welfare of fellow citizens that increases as citizens invest themselves in common civic pursuits.
3. In its highest form, civic friendship develops into a mutual, genuine concern for one another's virtue. In Aristotle's view, this seems to follow from a deliberate choice to share life—in relatively close, frequent association—as a political community and the political identity that emerges from such community.
  - a. Civic friendship of this nature is oriented to living well and nobly, that is, living virtuously—political virtue being the most noble.
  - b. Civic friendship grounds (by way of common identity) the participation of all citizens in the noble life of the best citizens, although all cannot personally achieve it.

- i. The common good is also grounded in each person being able to achieve as much as they are able.
- ii. However, insofar as nobility is associated preeminently with the city, the highest achievement of individuals will be in their contribution to the city.
- iii. Thus, it follows that all of life becomes, for Aristotle, a *means* to life lived and engaged *at the political level*.

## THOMISTIC MODIFICATIONS

Let us turn now to consider how Thomas Aquinas appropriates Aristotle's understanding of civic friendship. This is a vexed subject, and no small amount of the dispute, textually speaking, centers around Aquinas's short treatment of kingship, *De Regno*. Even though there are very notable departures in the text from a pure Aristotelian line<sup>17</sup>, at perhaps the most crucial points Aquinas's argument seems to simply appropriate Aristotle's discussion. So we see interpreters, wishing to emphasize the discontinuity between Aristotle and Aquinas, deemphasizing the text as not the "mature" expression of Aquinas's views<sup>18</sup> or as otherwise incomplete or unintended as a general theoretical treatise.<sup>19</sup> Conversely, Michael Pakaluk's strongly Aristotelian reading of Aquinas essentially relies on *De Regno*.<sup>20</sup>

Finnis attempts, unsuccessfully in my view, to advance a novel reading of *De Regno* that substantively cordons Aquinas's placement of "the virtuous life of the multitude" in the king's hands by specifying a limited and instrumental "public good" for which political authority is directly responsible. (For my own detailed criticism of

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<sup>17</sup> Note, for example, that Aquinas's theoretical defense of kingship does not turn on the superior knowledge, virtue, and merit of the king, as it does for Aristotle. Aquinas, rather, relies upon an argument derived from Avicenna that points to the need for a unified executive in directing a group toward a common end.

<sup>18</sup> See John Finnis, *Aquinas*, 219-254.

<sup>19</sup> See Mary Keys, *Aquinas, Aristotle, and the Promise of the Common Good*, 64.

<sup>20</sup> Michael Pakaluk, "Is the Common Good of Political Society Limited and Instrumental?," *The Review of Metaphysics* 55, no. 1 (2001): 57-94.

Finnis's interpretation, which expands on the line of argument advanced by Pakaluk, see Appendix A.) Notwithstanding my own general agreement with Pakaluk's interpretation of *De Regno*, I think it is mistaken to rely too heavily on the seemingly straightforward Aristotelianism of the text. (Here I have in mind, primarily, paras. 103-106, in which Aquinas argues that the purpose of the political community must be that of the individual, i.e., virtue.) It is remarkable that in just the passage where Aquinas directly appropriates the argument from *Politics* III.9 that the end of political life is virtue, he does not give the kind of further account that Aristotle does of what such a communal life looks like. Aristotle proceeds to articulate a kind of political friendship centered around the life of the polis and devoted to the high or noble pursuits of political life—indeed conceiving of subpolitical associations as intentionally directed as means to such a common political life—whereas Aquinas makes no such further explication of the politically focused nature of the common life.<sup>21</sup>

What this means is that we have relatively little idea of what Aquinas takes the “virtuous life of the multitude” to consist—specifically, what kind of political life is entailed. As Gregory Froelich observes, nowhere does Aquinas give us a treatise on the political common good, nor in fact, even a complete commentary on Aristotle's treatise.<sup>22</sup> Another way this point may be made is by recalling the distinction mentioned above pertinent to Aristotle's account of civic friendship between the *object of civic friendship* and the *mode of interaction* characteristic of that friendship. Insofar as the object of civic friendship is an orientation to virtue—an intention toward living well in political

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<sup>21</sup> I do not take this observation to support Mary Keys' claim that Aquinas does not have an idea of the best regime analogous to Aristotle's. Keys' argues that nowhere in Aquinas's writings do we find an account parallel to Books VII-VIII of the *Politics*. This seems to me a dubious assertion given that Book II of *De Regno* seems to be headed toward just such an account of the best regime. It appears to be only an accident of history that we do not have Aquinas's thoughts on the matter. Keys, *Promise of the Common Good*, 64.

<sup>22</sup> Gregory Froelich, “The Equivocal Status of *Bonum Commune*,” 39-40.

community—it is clear that Aquinas shares the Aristotelian outlook. However, inasmuch as Aristotle fills out his view of political life with a mode of interaction focused specifically on the political life, and ultimately takes other forms of association to be means to this end, there is little indication that Aquinas follows him.

This distinction, in turn, seems to implicate a more fundamental one. It is noteworthy that the claims of the political community to primacy—“the end of politics is the good for man”<sup>23</sup>—is subject to two very different interpretations. The first makes the formal point that given the architectonic status of the political community, its purpose *must be* promoting the human good. From this it follows that the primacy of political community turns on its substantive inclusion of every type of good essential to human flourishing. A second reading appeals to the all-encompassing nature of politics and claims that its end—the purposes and requirements of the political community as such—represent the good for man. I have argued elsewhere that, the first reading is not only normatively superior, but in his commentary Aquinas spends some time making clear that he takes Aristotle to be saying the former.<sup>24</sup>

In the picture of political community developed in *Politics* III.9, however, Aristotle seems to be saying something much closer to the latter. Here political community is not described simply as an association that embraces and includes other substantive goods, but rather as a community that subsumes those goods inasmuch as it represents their *raison d’être* and ultimate fulfillment. Therefore, we should ask: Has Aquinas simply gotten Aristotle wrong? Did Aristotle intend to say from the very beginning that the ends of political community determine the good for man, rather than

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<sup>23</sup> NE 1.2 1094b6.

<sup>24</sup> CNE, I, Lec. 2, nn. 24-31.



vice versa? Is the principle of inclusivity, for Aristotle, really better described as one of subsumption? This is a plausible interpretation, but I think there is a better one.

For Aristotle, the character of political community ultimately takes on a subsuming quality, not because he does not think that political community must substantively include all subpolitical goods, but rather because he attributes little *intrinsic substantive value* to subpolitical associations. They are, rather, instruments to the final political end. The reason for this, as noted above, seems to follow predominantly from Aristotle's narrow identification of human excellence with the high or noble things of politics and philosophy, and his almost exclusive association of the household—the locus of private life—with the provision of mundane necessities and non-rational affections and preference. Although Aristotle is justly famous for his acknowledgement of the different kinds of relationship and authority structures that exist in disparate associations, as well as the necessity of personal, affective relationships to the ultimate realization of the ends of political community, he evidently sees these goods as necessary components—rather than substantively constitutive parts—of political community. This interpretation, then, leaves intact the *formal* principle of the political community's primacy—all intrinsic individual and social goods must be substantively included in the political community—while reaching a subsumptive conclusion on the basis of *substantive* determinations about the purpose and value of subpolitical associations.

Contrary Aristotle's commitment to the primacy of politics per se, Aquinas writes within a Christian tradition that recognizes the basic importance—at times even the countervailing primacy—of a range of nonpolitical social goods. John Finnis's work is particularly helpful in its emphasis on the range of these goods.<sup>25</sup> Most basically, the primacy of politics is delimited by the ecclesial community—the church's ordination of

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<sup>25</sup> See especially, John Finnis, *Aquinas*, 219-254.

men to their final end. This recognition of the soul's ultimate belonging to God includes obedience in discerning and fulfilling one's vocation. Thus, religious orders, marriage, etc. are choices that must be left to the individual and cannot rightly be determined by authorities, political or otherwise. Additionally, there is significant difference in Aquinas's appreciation of the family. Not only does Aquinas recognize a basic difference in the possibilities of friendship between husband and wife, as well as the sacramental significance of the marital union, he also recognizes a basic rational principle animating family life in inclination toward and discharge of parental responsibility for education of children.

Thus, contrary to Aristotle's insistence on the superseding nobility of political life, Aquinas's thought is infused with what Charles Taylor has called the "affirmation of ordinary life."<sup>26</sup> By this Taylor refers to the consistent commitment in the Christian philosophical tradition to the basic goodness and dignity of that realm of action devoted precisely to those things that Aristotle dismissed as "mere life." Now, central to Taylor's treatment is the Protestant, specifically Puritan, emphasis on the value of labor and thus of commerce to the modern notion of the self. Although Aquinas does not go so far as this, he is committed to the basic propositions that underlie this understanding of life. (Taylor himself indicates that the ideas developed and expanded by the Puritans had deep roots within the Christian tradition.) Thus, this affirmation of the basic goodness of a range of associations other than political community places particular weight on the idea of an association of associations. The architectonic status of political community does not entail the superiority of political life and interaction as such.

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<sup>26</sup> *Sources of the Self: The Making of the Modern Identity* (Cambridge, MA: Harvard University Press, 1992), 211–233.

To put this in other words, for Aquinas the accent of the political community's completeness or perfection falls on its *extensive quality*, i.e., its securing the human good throughout the community. This is a logical consequence, it would seem, of the affirmation of the goodness of subpolitical social goods. The importance of these other social (and personal) goods necessarily diminishes the *intensive significance* of the political good as a form of community that instantiates a kind of social goodness *perfective* of all other forms of association. M.S. Kempshall's argument corroborates this point: Aquinas is consistently reluctant to ascribe perfection to the political common good. Moreover, the basis of the political community's greater degree of perfection is its greater communication of goodness: "Degrees of perfection are degrees of increasing community, in that it is greater perfection for something to be good in itself and the cause of goodness in others than simply the former." In his use of analogies that illustrate the unique, directive purpose of the common good, Aquinas is always careful to say that the part has an operation that is different from the unified whole.<sup>27</sup> Thus, the primacy of the political common good is rooted in its communication and extension of the human good—not primarily in its embodiment of a unique mode of association into which other goods are incorporated because of its intrinsic perfection.

This prompts us, as Finnis is keen to point out, to give particular attention to the unique good that political community contributes to human social flourishing. For the nature of its goodness may simply be found in its necessary relationship to other basic human goods—not in its independent desirability. Such an investigation must begin, of course, with the virtue of justice. As we saw in considering Aristotle, justice would seem to be the first social virtue (condition?) inasmuch as it enables associations by securing a common good that supports mutual goodwill. Apart from justice, there is no common

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<sup>27</sup> *The Common Good in Late Medieval Political Thought*, 85-88.

good, and thus no basis for genuine community, i.e., common pursuit of a common end. The virtue of justice takes this fundamental condition of equality as its object, being defined by Aquinas as “a habit whereby a man renders to each one his due by a constant and perpetual will” (ST II-II, q. 58, a. 1). Justice in this sense, as it governs the interaction between individuals, Aquinas follows Aristotle in calling particular justice. The nature of political community and law, of course, essentially concerns administering and securing such justice among individuals, and thus the political common good takes shape as the preservation of justice and peace (e.g., ST I-II, a. 96, a. 3). This puts individuals into relationship not only with other individuals, but with others in general—with the community formed for the administration of justice. Thus, justice becomes a general virtue inasmuch as it rightly orients individuals with respect to the community itself. This general justice—called legal justice because this is law’s primary aim—considers individuals and subpolitical associations specifically as *parts of a whole*.

The virtue of legal justice is architectonic in an important sense insofar as it directs acts of virtue to its own object, namely the good of the whole community. Aquinas specifies that the directive function of legal justice applies both to self-regarding and relational virtues. “The good of any virtue whether the virtue directs man in relation to himself, or in relation to certain other individual persons “is referable to the common good, to which justice directs, so that all acts of virtue can pertain to justice, in so far as it directs man to the common good” (ST II-II, a. 58, a. 5).

As a general virtue, legal justice stands in special relationship to all other virtues as, in a sense, the supreme virtue. “Every virtue strictly speaking directs its act to that virtue’s proper end.” Directing the act to a further end all or some of the time does not belong to that virtue considered strictly, for it needs some higher virtue to direct it to that end. Consequently, there must be one supreme virtue essentially distinct from every other

virtue, which directs all the virtues to the common good. This is legal justice (ST II-II, q. 58. a. 6).

Now, as Aquinas understands it, the virtue of justice is a perfection of the will, something he calls the “rational appetite.” Being located in the will, it is distinct from other moral virtues by its uniquely rational character. Justice is a rational virtue, Aquinas explains, insofar as the intellect is able to apprehend and respond to *universal good*. (ST II-II, q. 58, a. 5 ad 2).<sup>28</sup> There are a couple of important ways that this should be understood. In the first place, the basic desirability of the simple *extension of goodness* that characterizes the preeminence of political community is a rational apprehension of universal good. All things being equal, attaining the good of both A and B is simply better than only attaining the good of A—and so on without limit. More specifically, apprehension of a universal good entails understanding it as a good for everyone who shares my nature. As Finnis puts it, basic human goods do not present themselves to the intellect with “for me” attached. That is, I can understand knowledge and the pursuit of it not simply as a good for Matthew, but as a good for each person who shares those characteristics that make the good beneficial for me. Thus, to understand the universal character of goods is to realize that insofar as I have a claim in justice to certain goods as being due me, those similarly situated have the same claim.<sup>29</sup>

Now, of course, we do not tend to experience justice as an abstract, cerebral perception. The rational component is accompanied by what are often powerful

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<sup>28</sup> Aquinas is explaining how it is that justice functions as a general virtue—directing virtues to a common good. Thus, we should not take this response to a universal good to denote “goodness as such” as the object of human action, abstracted from its character as a good for human beings. The point is that the intellect is able to distinguish between the particularity of “this is good for me” and the universality of “this is a human good.” Justice requires response to the latter insofar as it substantiates the claims of each person in the community.

<sup>29</sup> For a helpful discussion of these issues see Finnis, *Aquinas*, 111-131 and Keys, *Promise of the Common Good*, 118-124.

affections. We do, of course, experience immediate and visceral emotions when personally suffering injustice. But these emotions, too, have much wider extension. In nascent form, the affections of justice are expressed in what Aristotle recognizes as a general goodwill that humans feel for fellow creatures. We wish them well, it would seem, from a basic sympathetic identification with creatures with whom we share a common nature. Goodwill, however, does not necessarily entail action on another's behalf. Rather, love moves us to action. "Part of the love which should exist among men is that a man should preserve the good of even a single human being" (CNE, n. 30). Aquinas recognizes political community as embodying the virtue of love because of its basic commitment to acting for the good of others—those who by rational principle we understand to deserve the same goods which we ourselves perceive and pursue. Love seeks to extend those goods.

The universal dimensions of our rational apprehension of good, motivated by the active desire to extend that good to our fellowman, seem to suggest a universality to the human desire for justice. Indeed, in the passage just quoted from Aquinas, he articulates a strongly universalist dimension to the aspirations of political community. We will return to this momentarily, for now let us mark the movement of love (and justice) in a universal direction—what Jacques Maritain calls the human capacity for "radical generosity" and Yves Simon refers to as a basic disinterestedness in human sociability.<sup>30</sup> Such radical generosity is importantly distinct from Christian charity, which is even more radical insofar as it requires love even of one's enemies for the sake of God. Radical generosity of this sort seems simply to be an extension of human action according to the universal dimensions of human reason (and affection). Thus, we can be motivated to act

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<sup>30</sup> Maritain, *The Person and the Common Good*, 47; Simon, *The Tradition of Natural Law*, 90.

for the benefit of some fellow human—or creature—a world away simply on the basis of a love of justice and/or a desire for his or her good.

In summary, political community operates as a commitment to justice. Moreover, insofar as it extends the good, it cultivates the human capacity for love and generosity. It is a movement beyond the immediate social conditions and relationships to which one is personally attached and committed, to an extension of good to *the other*. As Mary Keys puts it, political community “raise[s] the sights of humans beyond self and nearest of kin, to establish and secure a more (though far from perfect) universal order of justice, peace, and virtue among humans.”<sup>31</sup>

#### CLARIFICATIONS OF JUSTICE

Before turning to discuss the particular character of civic friendship, it is important to say something more about what I mean by justice as a basic political virtue. My account of Aquinas’s view (which I take to be right) might be criticized as very formalistic—simply giving to another what is his due—and, thus, hardly enough to ground allegiance to the political common good. I have in mind here, in particular, Alasdair MacIntyre’s strongly virtue-based account of political community (such that allegiance to one’s polity is only justified to the degree that it can be shown to contribute constitutively to real human flourishing) and community-dependent account of justice (such that if I do not understand my life as embedded in the history of my *particular* community I will be unable to grasp the content of justice—what I owe to others and what others owe to me). Justice is not derived from universalized moral norms, but is organically discovered within the life of particularized communities.<sup>32</sup> So from the outset

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<sup>31</sup> Keys, *Promise of the Common Good*, 81.

<sup>32</sup> See for example, “Is Patriotism a Virtue?” The Lindley Lecture. (University of Kansas, 1984), reprinted in Richard J. Arneson, ed. *Liberalism*, Volume III (Aldershot: Elgar, 1992), 246-263; “Politics, Philosophy, and the Common Good” in *The MacIntyre Reader*, and *Dependent Rational Animals*, Chaps. 9-11.

we might wonder whether this account of justice is sufficient to support a conception of political community that is anything other than instrumental.

To the first objection I reply that, despite a high degree of formalism in its basic articulation, this view of justice does not attempt to abstract from questions of virtue. On the contrary, it requires such an investigation and ultimately political judgments rooted in comprehensive doctrines concerning the human good. Determinations in justice as to what is *really due* a person require some account of what it means to be human. If we are to say *why* this person has a real claim to X beyond the mere assertion of a desire for X, we must be able to give some account of the relation of X to his real good. (Or, alternatively, the relation of either his desire fulfillment or exercise of autonomy to his real good, but in any case a claim of *obligation* appeals to some standard beyond mere subjective assertion.) Moreover, political conflicts will often require an ordering or prioritizing among various goods. Why should her claim to X have more weight than his claim to Y? Such questions cannot be answered apart from an account of X's and Y's respective relationships to a shared human nature that makes sense of both (a) the attempt to justify ranking one person's claim above another's, and (b) the attempt even to relate or compare X and Y. Thus, the aspirations of justice are inextricably tied to comprehensive accounts of the human good. The point of drawing attention to justice as a political virtue is not that it abstracts from these ethical and social inquiries, but that it represents a common commitment *to pursue them* and to do so in an equitable and orderly manner.

Yet, in pursuing and appealing to an objective account of human nature, I do not wish to reject a high degree of the particularity of moral inquiry that MacIntyre is keen to highlight. I would agree (as would Aquinas) that the standpoint of the moral man—even the just man—is not that of a universalized, “impartial actor...one who in his impartiality



is doomed to rootlessness, to be a citizen of nowhere.”<sup>33</sup> (I will have more to say about this later.) Rather, MacIntyre is right to insist that moral inquiry necessarily takes place within communities in which my experience and engagement of human goods are necessarily informed by particular practices and attached to particular persons, groups, and loyalties. It is less clear, however, that this necessity of our coming to *understand* justice via particular communities necessarily entails a comprehensive particularity to all accounts of justice inasmuch as they are based on these unique experiences. Adjudicating this issue would require a discussion of what universal access there is (or is not) to the first principles of practical reason, as well as the degree to which MacIntyre’s own account of tradition as a form of moral inquiry ultimately recurs to universally accessible human goods and moral norms.<sup>34</sup> Such a discussion is well beyond what can be accomplished here. Nevertheless, there is an important point to be made about justice as a formal, general virtue based on rational apprehension of universals. Aquinas, I think, rightly grants it much more universal moral force than MacIntyre is inclined to.

Justice is not simply a matter of coming to understand the content of what I owe my friend or neighbor and what they owe me or even what I owe my community. Rather, the standpoint of justice draws on several basic insights unattached to the particularity of one’s community and relationships. These are:

The universality of goodness: The rational apprehension of goods not simply as particular—good *for me*—but as universal, human goods.

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<sup>33</sup> “Patriotism,” 294.

<sup>34</sup> For a helpful discussion of these issues see Robert P. George, “Moral Particularism, Thomism, and Traditions,” *The Review of Metaphysics* 42, no. 3 (March 1, 1989): 593-605. George is critical of MacIntyre’s hesitancy to affirm universal moral norms in *Whose Justice? Which Rationality?*. However, by *Dependent Rational Animals* MacIntyre has integrated a teleological account of human nature into his account of virtue and traditions. So that even though there is undoubtedly a significant difference between what a MacIntyrean would claim for the accessibility of universal moral norms and what those within the “new natural law” camp, such as George, generally claim, at root their accounts similarly recur to a unified moral realism grounded in human nature.

Common humanity: A recognition that my fellowmen, who seek the same goods I seek, are beings of the same kind as I am.

The logic of justice: Based on propositions 1 and 2, it follows that my own claims in justice are logically undermined by denial of the same kind of good to the same kind of being similarly situated.

Now, I do not mean to say that everyone has an actual awareness of these principles of justice, and that breaches of justice are always simply a choice to act against them. Sometimes, as is frequent in the case of racism, for example, moral error results as a failure to recognize a common humanity. However, once this common humanity is really recognized, these logical principles of justice quickly follow. So it may not have been the proclamation of abstract moral principles that finally defeated racism in American social life, but rather the humane expositions contained in novels such as *Uncle Tom's Cabin* and *To Kill a Mockingbird*, as well as racial integration of the military and sports teams.<sup>35</sup> This may be true enough, but I think it demonstrates more than the particularity of moral insight. It also indicates that once a common humanity is perceived and understood, it becomes simply absurd to deny one's fellowman equal status to the claims of justice. At this level justice works as a universal moral rule, not as a function of some set of social goods realized within a particular community. It may be that the particular goods were the occasion of the *recognition* of the requirements of justice, but they are not the fundamental grounding of the moral rule. Racism is not morally bankrupt *because* our community has come to appreciate the fuller range of human goods available in the social practices of a racially integrated community. It is bad (and thus wrong)

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<sup>35</sup> I draw this example from one of Matthew O'Brien's pieces in a very instructive debate he and Hadley Arkes conducted on the pages of *The Public Discourse* over the relative merits of attempting to ground morality in universally accessible principles of reason or in the experience of human goods within particular communities. "Moral Principles and Human Happiness," *Public Discourse: Ethics, Law, and the Common Good*, December 21, 2010, <http://www.thepublicdiscourse.com/2010/12/2245>.

because of its failure to recognize common humanity and the requirements in justice that follow from it.

It is also certainly possible for one to simply ignore the perspective of justice altogether, but, as Aristotle thought, only either one who is completely removed from community (and thus a god) or who views it simply as a form of manipulation or conquest (and is thus a beast).<sup>36</sup> The first ostensibly does not owe and is not owed anything (a claim I would grant only to God); the second, insofar as he wages war on the community of which he is naturally a part, is engaged simply in living rather than living well.

With this fuller account of justice in place, let us turn now to the specific character of civic friendship.

### **CIVIC FRIENDSHIP REVISITED**

The basic nature of civic or political friendship is found first in its object, i.e., the formation and maintenance of a community dedicated to securing human needs and goods in a just and equitable manner. Inasmuch as it situates pursuit of one's personal interests within a broader context of common good—substantively including the good for each member of the community—it involves members in consideration of and activity for the good of those outside the scope of immediate personal interest. Political community, especially as it becomes the locus of a real form of reciprocated goodwill, may thus serve to expand and strengthen the scope of justice, love, and generosity. In order to get a clearer picture of the character of civic friendship, let us consider several difficulties that the relationship poses.

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<sup>36</sup> *Politics*, I.2, 1253a26-28. I exposit a bit on what Aristotle strictly says: "But anyone who lacks the capacity to share in community, or has not need to because of his self-sufficiency, is no part of the city and as a result is either a beast or a god."

## Universalism

We may well ask what distinguishes this form of generosity from an orientation of the will to a truly universal human community—one unbounded by particular political commitments? Certainly the requirements of justice derived from a universal human nature transcend particular political communities. Why not, as the Stoics recommended, encourage allegiance to *cosmopolis* rather than *polis*?<sup>37</sup> If the virtues of justice and generosity are the central virtues of political association, why shouldn't the scope of justice include that which is due to all mankind, not merely one's own political community, or the breadth of generosity extend to even the farthest reaches of the earth?

Of course, the natural law tradition is essentially defined by a partial, but important, concession of this point. Positive law, the law of the *polis*, is *not* the highest authority. Rather, human law derives its authority from consonance with the universal norms of the natural law, which themselves derive from the eternal law of the Divine lawgiver.<sup>38</sup> Thus, in fundamental respects, natural law directs our allegiance to a wider community and subjects the particular conception of justice within a community to evaluation against a transcendent standard.<sup>39</sup> Moreover, these universal dimensions suggest that the virtue of generosity does not rightly terminate at the borders of one's political community. Indeed, it would seem to require that we move beyond them insofar as the virtue is more perfected the more one's beneficence is removed from potential for personal gain.<sup>40</sup>

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<sup>37</sup> For a helpful restatement of this view, see Martha Nussbaum, "Patriotism and Cosmopolitanism" in Martha Nussbaum and Joshua Cohen, *For Love of Country?*, 1st ed. (Boston, MA: Beacon Press, 2002).

<sup>38</sup> See for example Thomas Aquinas, ST I-II, q. 91, a. 3 ad 2.

<sup>39</sup> For a very helpful expansion of this theme in Catholic natural law theory, see W. A. Barbieri and A. William Jr, "Beyond the Nations: The Expansion of the Common Good in Catholic Social Thought," *The Review of Politics* 63, no. 4 (2001): 723–754.

<sup>40</sup> For a succinct articulation of this problem, see Mark Murphy, *Natural Law in Jurisprudence and Politics*, 168–76.

All of this is right, but at the same time there are serious limits to this sort of universalist line—not limitations that call the universal dimensions of justice and generosity into question, but that importantly direct and constrain them according to the limitations of human finitude and the positive goods of particular associations. Consider, for example, how we might evaluate the responsibility of a polity that acknowledges a universal human community to act in its foreign policy and military decisions to secure justice and prosperity for other nations. Does the natural law require a proactive foreign policy, guided by a commonly shared generosity toward other peoples? Yes and no. Certainly there is much that can and should be done, in concert with other nations, to protect and promote the welfare of poor and vulnerable peoples around the world. In some cases, even military action consistent with the principles of just war would be warranted to come to the aid of an abused people. At the same time, a responsibility of justice and generosity abroad does not negate the operation of those virtues within one's own community—just as commitment to the good of one's country does not simply supersede (that is, in all cases) a more immediate responsibility for the good of one's family. Even though there is a universal orientation of these virtues, there are immediate and personal applications that cannot be rightly abandoned in favor of wider community ties. Thus, a polity concerned with its obligations to other nations, desiring to contribute to a just international order, as well as the good of particular peoples, must order and prioritize these important aims among a range of other political goods, e.g., the safety and provision needed within this political community, the good functioning of this community's political system, as well as the flourishing of its subpolitical associations, etc.<sup>41</sup> In similar fashion, if we allow the political virtues to pull us too strongly in a

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<sup>41</sup> In his treatment of this theme, Aquinas makes helpful distinctions between *benevolence*, *affection*, and *beneficence*. *Benevolence*, our goodwill toward others, should be fundamentally equal for all since all are wished the same final good, i.e., enjoyment of God. However, Aquinas takes it to be unreasonable to think

universalist direction, we are liable to overlook the unique goods and possibilities available only in particular political communities.

The genuine potential of civic friendship follows from the creation of a real relational community—most basically characterized by common action for a common end and reciprocated good will among members—oriented to these virtues of justice and generosity. Yves Simon gives particular attention to the way in which within a political community common action *itself* comes to embody what is, he argues, the essence of the common good. “Collective transitive actions” for particular ends, e.g., building a railroad, digging a canal, are themselves “social facts” and thus elements of the common good (distinguishable from the product itself). More profound, however, are what Simon calls “immanent” social actions. These result not only from coordinated action, but from mutual awareness of a common knowledge, love, or hate.<sup>42</sup> In the case of political action, the awareness of common intent in action *as a community* or *on behalf of the community* entails a basic friendliness in the commitment to pursuing common needs and goods in a way that includes the good of each member of the community. Thus, Simon’s argument here suggests that we should not overlook the real goods inherent in shared, interactive political action for a mutually recognized common purpose. Even allowing for globalization and the communicative possibilities of modern technology, it seems unlikely that this kind of reciprocated political good is possible on the international stage.

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that our subjective *affections* associated with this goodwill will be equal in all cases. Both our neighbor’s nearness to us and to God (i.e., virtue) will inevitably elicit different degrees of natural affection. Finally, neither can *beneficence* be the same in all cases. Since we are fundamentally finite creatures, our ability to enact good is limited and must necessarily be applied unequally. This does not support a simple disregard for the needs of others, of course, but it does establish an ordered approach to well-doing that begins with those closest to us. (ST, II-II q. 26, a. 6)

<sup>42</sup> *The Tradition of Natural Law*, 95-96. Simon’s analysis of “immanent social actions” could be characterized as a subset of what Charles Taylor refers to as “irreducible social goods.” Taylor’s category is much broader insofar as it includes not only the basic good of community (i.e., intrinsically desirable common activity), but also the very creation of intellectual and social meaning *through* the practices of a community. See Charles Taylor, “Irreducible Social Goods,” in *Philosophical Arguments*, 127-145.

(Moreover, as I shall argue, discreet social actions of this sort are but one aspect of a broader political culture that itself embodies, informs, and grounds these activities.) There will be more to say about universalism, but let us consider it as it arises within the context of two more related concerns.

As we noted from the outset, the first of these related difficulties concerns the practical issue of *attenuation*; the second concerns the charge of theoretical *incoherence*. Let us consider these in turn.

### **Attenuation**

The concern here is this. It would seem that civic friendship is a practical oxymoron given that, even in relatively small political communities, citizens are unable to cultivate personal knowledge of each other or spend sufficient time in each other's company to sustain anything like genuine friendship. The idea of civic friendship seems to entail a level of gregariousness that is at best superficial, and at worst obsequious. Civic relations are simply too attenuated to be likened to friendship, and, moreover, doing so threatens to eclipse the importance of genuine, personal friendships.

As with our comments on universalism, the first response to the difficulty of attenuation is to simply allow that the criticism has genuine merit. If civic friendship is proffered as a grander or more virtuous version of its lesser cousin, private friendship, it is clearly inadequate due to essential dissimilarities between the two. For civic friendship to replace or eclipse personal ties the important differences between intensive and extensive goods discussed in the previous chapter must be ignored. However, there is more that must be conceded here. We should recall that a fundamental component of political association which suggests that it is inherently friendly, i.e., a commitment to the good of each associational member inasmuch as each one's good is substantively part of the common good, is a basic aspect of associations that Aristotle attributes even to

friendships of utility, in which one's commitment to the group and its members refers directly back to their contribution to one's own interests. Thus, the attenuation of civic friendship raises the real possibility, perhaps even likelihood, that political association comprises little more than a utilitarian settlement, analogous to business partnerships, not the virtue-oriented friendship of close companions.

Indeed, despite my adherence to Cooper's argument that Aristotle ultimately espouses a virtue-based account of civic friendship, he gives ample warning about being too sanguine concerning the development of real civic friendship. His discussion in the *Eudemian Ethics* (Bk. VII, Chaps. 9-10) treats civic friendship primarily on its utilitarian footing, arguing that trying to treat it as virtue-based or "moral friendship" often leads to greater political conflict than if the self-interest of each party had been forthrightly assumed from the outset. The problem arises, Aristotle explains, when the forms of utility friendship—strict legality and objective value—are replaced with the forms of moral friendship—trust and personal regard. The utilitarian concerns that activate most interactions between citizens are necessary and pressing; still fellow citizens very often aspire to the good faith that informs "moral friendship," seeking to carry out business and civic interaction on this basis. When necessity forces the issue, however, the trappings of real friendship are often jettisoned for the objective remedies of law. The ensuing conflict is then fueled by wounded pride and hurt feelings, *in addition* to the underlying need to protect personal interests. Thus, political disputes of this sort are much more acrimonious than necessary for having been too optimistic in the aspiration to virtue in the first place (and this is a problem which seems to follow in large part from the basic problem of lack of personal knowledge among fellow citizens).

Aristotle's caution here is insightful, I think, and suggests the following general caveats about the nature and scope of civic friendship. First, because fellow citizens are



not generally personal friends, the difficulty of discerning the extent of virtue or goodwill—and its reciprocity—makes dispensing with the forms of legality and justice unadvisable. Second, to elaborate Aristotle’s point a bit, we should not expect too much of civic friendship by attributing to it a level of personal regard and kindness only nurtured in close relationships. Rather, we should anticipate that the object of civic friendship will be relatively limited to the concerns and affairs of public life. For example, I may have genuine form of virtuous friendship with a fellow citizen in debating the course of a new public road that must encroach more or less upon both of our tracts of land (i.e., we enjoy, in fact, a mutual desire to see the just interests of each other honored in the final settlement). At the same time, neither of us anticipates—aside from further interaction that develops a more personal regard—meeting weekly at a pub for drinks, or that we can assume the proactive kindness from each other that we receive from personal friends. Of course, the greater the degree of sacrifice on either side required to reach a mutually beneficial arrangement, greater will be the degree of personal regard fostered in other domains of life. Thus, civic friendship may serve effectively as a catalyst to personal friendships, but it is a mistake to conflate them, thereby expecting more than civic friendship is able to provide. (Aristotle’s critique of Socratic communism gives evidence of his sensitivity to this point as well. *Politics* II.2, 1261a10-b15)

Third, and perhaps most important, Aristotle’s caution with respect to civic friendship suggests that political authority in particular should not be too cavalier in its attempt to promote civic friendship. This is a temptation, for as Aristotle observes, most rulers are aware of the usefulness of civic friendship to the regime.<sup>43</sup> Moreover, although political authorities cannot manufacture genuine feelings of friendship, they *do* set the

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<sup>43</sup> NE VIII.1, 1155a20-30.

requirements and expectations of citizenship. Insofar as citizenship creates the form or structure of political association, the authoritarian temptation is to attempt to superintend civic friendship via the requirements of citizenship. This is an undoubtedly complicated issue, for it seems clear that a regime does have a responsibility to articulate a form of citizenship that conduces to civic friendship inasmuch as a real regard for justice and the common good serve as the soil in which civic friendship grows. At the same time, insofar as civic friendship represents a political purpose simply beyond the control of governance and law, overeager pursuit of it by imposing forms of citizenship more fitting to friendship are not only likely to fail, but worse, backfire. Better for government to recognize that even within the public realm what it can achieve is significantly limited and subject to profound exogenous influences.

Notwithstanding these important caveats, there is a solid foundation in political association for a limited, but particular, form of friendship. Better seeing what this is will be aided by considering the second challenge, incoherence.

### **Incoherence**

The charge of theoretical incoherence pushes the attenuation critique a few steps further by arguing that, in fact, the qualities essential to friendship (personal connection and commitment) are simply logically opposed to essential components of political virtue. In order to maintain basic fairness, justice must be impartial, and thus impersonal. The administration of justice requires that citizens not be considered on the basis of particular ties and affections, but according to an impersonal assessment of just deserts. Thus, as Gilbert Meilaender argues, “[t]he fellow-citizen bond, precisely because it must concern itself with justice, is not a *personal* bond.”<sup>44</sup> This basic difficulty, Meilaender contends, becomes evident in a common political problem, viz., distribution of limited

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<sup>44</sup> *Friendship*, 74. Emphasis original.

resources. Consider, for example, the case of parents who seek to secure scarce and costly, but necessary, medical care for their young daughter. Their success may entail that others do not receive similar medical care, yet clearly they are under a moral obligation to actively try to get their daughter the care she needs. How is their plight to be assessed in view of the needs of other people similarly situated who seek the same scarce resource for equally justifiable ends? Adjudicating dilemmas such as this in an equitable manner requires the establishment of impersonal political authority, someone to assess the various claims and needs—apart from personal ties and loyalties that rightly motivate each party individually—in an effort to determine what is just for each and to the common good. Because individuals so situated rightly seek their interests based on personal bonds, and public authority is instituted precisely to abstract from them, Meilaender concludes that political relationships are essentially impersonal and necessarily so if justice is to be realized (however imperfectly). Friendship, then, inasmuch as it is rooted in personal affections and loyalties, is logically dissonant with political ties. Moreover, Meilaender suggests, the upshot is that even in mundane political situations such as the one described, the common good is sought *only* by public persons; the justified pursuit of private goods seems to preclude a positive orientation toward others' goods when a conflict emerges.<sup>45</sup> Thus, in addition to being rare on any account, civic friendship is an incoherent ideal.

Meilaender is advancing two related, but distinct, ideas here. The first is a claim about impartiality in rendering political judgment, i.e., the just adjudication of even mundane conflicts necessarily makes politics an impersonal, objective affair. The second claim is that the reasonable and laudable commitment of individuals to securing real needs for themselves and their loved ones precludes their acting with positive intention

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<sup>45</sup> *Friendship*, 73-74.

for the common good (at least in times of conflict). Public authority is, in fact, instituted in large part precisely to redress this deficiency. Whereas there are substantial truths in Meilaender's claims, I think there are also important oversights that skew his conclusion.

It is right, of course, that political authority must be impersonal in essential part. *Nemo iudex in causa sua*, the legal maxim runs. More broadly speaking, the legitimate *purposes* of political community require a fair and equitable orientation to the good of all, which in turn requires that special attention be given to the common good. To this premise (which I take to be correct), Meilaender adds another (to which I object in part): Justice and law comprise the link between citizens. From this, it follows that the link between citizens is fundamentally an impartial, impersonal one.

Now, this conclusion is valid, but it is not sound because it unjustifiably assumes that justice and law comprise the *only* link between citizens, and thus citizenship is solely a relationship of impersonal impartiality (and thus incoherently wed to the intrinsic partiality of friendship). To begin, I think it's clear that this conclusion suffers the immediate liability of producing the counterintuitive result that fellow citizens abroad, for example, would have no reason to show partiality or preference for each other over any stranger they might chance upon. Yet it seems perfectly consistent with the bonds of citizenship—even reasonably desirable—that fellow citizens show just such an affinity. (This is not, of course, to say that such a preferential stance may not be overridden, even as other personal bonds may be superseded in certain circumstances.)

This suggests that the ties of citizenship extend well beyond the administration of justice and impartiality before the law. And upon consideration, we can see that justice and law are not themselves primarily *ends*, so much as *means*—a way of pursuing common aims that their existence presupposes. To stick with Meilaender's example, a commitment to an impartial, rule-governed distribution of healthcare presupposes a

community formed for the purpose of better and justly securing basic human needs. Justice represents a common commitment to pursue that end in a particular way (i.e., one that respects the worth of each member), and government and law emerge as instruments necessary to a consistently just form of community. Thus, justice and law denote a form of interaction; they govern a relationship. Yet, they do not explain why the relationship exists in the first place, and thus—though necessary—are insufficient in themselves to explain political bonds.

Fair enough, Meilaender may respond, but still, I have conceded precisely his point: justice *governs* the political relationship, whatever its aims might be. So fellow citizens still relate on an impartial basis that is at odds with real friendship. To this I rejoin that we must be more precise about the relationship of impartiality to justice. It is specifically the equitable administration of justice that requires an impartial arbiter, not the existence of a just relationship between parties per se nor a mutual desire that the good of both be pursued justly. Thus, if I am a just man, I will be habitually disposed to extend the consideration and respect to my fellow citizens that giving them their just due requires. Moreover, I may be more personally inclined to extend such consideration to a fellow citizen rather than a foreigner precisely because we as citizens are engaged in the common project of achieving political aims in a just manner. Thus, even if I concede that we will frequently have recourse to impartial arbitration of our conflicting interests or practical judgments, this does not exclude the possibility of a personally embraced and mutually shared commitment to securing a common good. Therefore, the appropriate dividing line between personal engagement and dispassionate analysis is not rightly drawn between the private or personal, on the one hand, and the political on the other, but rather between the *political* and the *governmental* or *public*. Meilaender mistakenly attributes the impartiality of public officials to the relationship between citizens because

he is insensitive to the important difference between the institutions of government, on the one hand, and the interactions of political society on the other.

What should we say about Meilaender's second claim that the praiseworthy pursuit of a private good precludes intention for the common good? Here again, the point conveys an important truth. The necessity of objective, third-party judgment follows not only from a disposition to give self-interest absolute priority, but also from the difficulty one has in abstracting from personal desires and attachments even to perceive the common good. And surely personal attachments often command a much greater fervor than a rational commitment to more abstract, general goods can incite.<sup>46</sup> So we may well ask, if we rightly and ardently desire these private goods: Is it possible to maintain an intention toward the common good when doing so may well jeopardize securing our private good? Meilaender apparently thinks not, but perhaps the issue of intention is more complicated.

Aquinas suggests that it is. In situations of conflict like those we have been discussing, Aquinas reasons that good intention is not maintained simply by *subjecting* private goods to a more virtuous commitment to the common good. No, he maintains, we should rather view our pursuit of private goods *in a particular light*, viz. as part of a wider common good. Or, in the Aristotelian argot he employs, a good will intends the private good *materially*, and the common good *formally*.<sup>47</sup> What this means is that we act to bring the particular state of affairs comprising our private good into existence, but we do so *as being part of* the common good. But is this simply a prime example of what

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<sup>46</sup> Recall the distinction Aquinas draws between benevolence, affection, and beneficence mentioned above. Although a rational standard informs an equality of *benevolence* and may require *beneficence* contrary to our subjective wishes, it is unreasonable to think that our affections will be anything other than unequal. ST II-II, q. 26, a. 6. See also ST II-II, a. 26, a. 7 treating: Whether we ought to love those who are better more than those who are more closely united us?

<sup>47</sup> ST I-II, q. 19, a. 10.

critics dismiss as scholastic verbal legerdemain—an effort to explain away a real moral and political problem? What real difference does my “formal intention” for the common good matter if the immediate purpose of my actions, i.e., the state of affairs I want to bring into existence, remains unchanged? Wouldn’t a *real* intention toward the common good require that I actually give up on my aims so that the common stock is increased for the good of the community?

We should first recall that any adequate account of the common good (as I argued in the previous chapter) must be, in part, conceived as the aggregative (or additive) good of all persons and intrinsically good associations within the political community. So no essential violence is done to the notion of the common good by saying that I am promoting it by realizing my own private or personal goods. Personal goods are partially constitutive of the common good. In addition, there does appear to be a substantive difference between saying (a) I will or intend state of affairs X (comprising my personal good) tout court, and (b) I will X as part of or as ordered to the common good. The primary way this difference is seen, I would submit, is in how it informs the means whereby I pursue X.<sup>48</sup> An orientation to the common good requires that I give credence to the similar needs and interests of others which may come into conflict with my own. It is guided by the rational insight of justice that enables me to understand the goods I seek not simply as *goods for me*, but as human goods to which others may and often do have equally legitimate and conflicting claims. Thus, it is a reasoned commitment to pursue goods in an equitable manner by submitting to the procedure and, ultimately, dispositions

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<sup>48</sup> I do not mean to imply by my argument here that direct, material intention toward the common good can be dispensed with entirely. I am critical, in fact, of accounts such as Yves Simon’s that in my view go too far in de-emphasizing the need for direct and conscious orientation to act for the common good. See Yves R. Simon, *Philosophy of Democratic Government*, (Chicago: University of Chicago Press, 1951), 36-71.

of impartial political authorities who have been given particular care for the common good.

Of course, if we take the human commitment to justice fundamentally to be only a love of what is one's own (issuing in demands that I get my just due), the processes of political debate and legal adjudication appear more as necessary means to maximizing self-interest. And certainly a great bulk of political activity transpires at this level. From Meilaender's perspective this is the result of a corrupt human will and unruly passions that demand the impartial enforcement of order and justice by law.

This is true enough, but it is not, in my view, the whole story. Aquinas is right to describe justice as a *rational* appetite insofar as it apprehends universal goods and norms. Such norms not only underwrite self-interest by grounding *my claim*; they also impose obligations on me insofar as they require that I recognize and respond appropriately to the claims of others. This essential aspect of justice orients the will to the common good of political community not simply as the best available means of my securing personal goods, but to the personal goods of fellow citizens for their own sakes, in recognition of their basic human status and personhood. Thus, justice, insofar as it is rightly understood and cultivated within a polity, will draw citizens into a friendly stance toward one another—in which the goods of fellow citizens are pursued *for their own sakes* in the common commitment to justice—which, in turn, may serve as the basis for personal interaction and regard.

This is, of course, not to say that civic friendship easily takes root in any political soil where a commitment to justice is professed. As was noted, a good deal of caution and realism about the character of a people is required. However, at the same time the commitment to justice instantiates a basic friendliness among community members that,



to the degree that it forms the basis of a political society, provides the basis for a real form of friendship.

### **Supervenience**

A range of characteristics have been discussed thus far which serve to focus attention on what is an essential feature of civic friendship, namely, its supervenience. That is to say, civic friendship is not a relationship that can be simply posited by law, as a business partnership creates a particular relationship between entrepreneurs or even as a constitution codifies a relationship between citizens. Civic friendship is a relationship for which prerequisite conditions may be created, even particular civic activities fostered, but which fundamentally requires the free exercise of goodwill among persons within a political community. This has been evident first, of course, in the distinction between formal legal requirements of justice and intentional criteria defining virtues and relationships between friends. (This distinction informs Aristotle's caveat about civic friendship in the *Eudemian Ethics*.) Secondly, there would seem to be a fundamental difference, entailing supervenience, between the virtues of justice and love or generosity. Justice, inasmuch as it denotes giving what is due, lends itself to being ensconced in law—this is indeed its central case—whereas the further virtues of love and generosity appear to be at odds with legal enactment. The essential liberality of these virtues would seem to be substantially undermined by codification. Finally, the distinction between the formalized requirements of law and governmental procedure, on the one hand, and political association more generally on the other—which we had to employ even to describe adequately the relationship between citizens—applies even more so to civic friendship. When civic friendship arises among citizens and becomes in the best circumstances characteristic of a political culture, it does so not as the *product* of legal enactment. Of course, for reasons we have discussed, good law importantly establishes

preconditions for friendship (a friendly stance toward fellow citizens), but this connection is best described as indirect. The virtues and attitudes which define friendship itself *supervene* on formalized political relationships. Thus, it is of great importance not to locate civic friendship directly in the operation of government and law. To do so is to collapse an important distinction and to run the risk, if Aristotle is right, of aggravating, or worse, generating, political problems rather than solving them.

Insufficient attention to this supervenience, I would argue, is a significant problem with Sibyl Schwarzenbach's recent account of civic friendship. Wishing to ground political friendship in the relationally "reproductive praxis" that she argues women exemplify in private relationships, Schwarzenbach recommends structuring legal norms around an "ethic of care" that will express the political society's commitment to civic friendship. In so doing she gives short shrift to the very limited ability the state has to engender and sustain high levels of care and concern apart from the particular personal relationships in which such care originates. Of course, this points to the deeper problem (aside from the state's limited capacity to affect the kind of civic friendship Schwarzenbach envisions) that she simply practically elides an important difference between familial and political relationships.<sup>49</sup>

### **Patriotism: Community as the locus of civic friendship**

If civic friendship is an ideal not only consistent with, but complementary of, political virtues (even though bringing it into existence goes beyond the direct ability of political authorities), it still seems subject to the criticism that, save for small, highly participatory polities, it lacks the reciprocity that any true friendship requires.<sup>50</sup> For there

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<sup>49</sup> "On Civic Friendship," *Ethics*, vol. 107, no. 1, (Oct. 1996), 97-128. Cf. Schwarzenbach's response to criticism that a universalized "ethic of care" ill defines civic friendship at 120-121.

<sup>50</sup> This worry is, of course, along the same lines as the concern with attenuation. However, the two are importantly different. Attenuation concerns the compatibility of friendship with *any sort* of association

to be real friendship goodwill must be mutually felt and known, but such mutual commitment is only communicated haphazardly in large modern nation states. So for life beyond Sparta or the long-disintegrated New England townships that Alexis de Tocqueville praised so highly, there is little to say about civic friendship. Better to speak simply of patriotism or the personal bonds cultivated in intimate, private associations.

Such criticism, once again, has a lot of force. Indeed, there is much to be said for a political arrangement that vests political power and responsibility in localized communities in order to facilitate, not simply political activity, but the greater occasion for common action and community relations that heightened political importance is likely to stimulate. Such a localized structure, as Tocqueville argued, while not strictly necessary, is a primary catalyst to the cultivation of a vibrant patriotism.<sup>51</sup>

Nevertheless, I think that there is also something important to be said about the potential for civic friendship that exists in even large, relatively diffused polities. For there is, I think it is clear, a vital symbiotic relationship between patriotism and civic friendship that ought to be given due consideration. I use “patriotism” for lack of a better word; by it I do not mean to invoke the preferential loyalty that the term usually denotes. I simply mean the commitment to one’s political community *as such*—the traditions, mores, culture, history, constitution and laws, etc. that are what is meant by referring to this particular political community. Patriotism in this sense (or in any other, really) does not amount to civic friendship inasmuch as it describes a relationship between a citizen and his country—one of devotion to the good of a particular political community. It does not strictly describe the relationship between citizens and insofar as it refers to the civic

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beyond the intimate associations of private life. Now we address whether it makes sense to speak of civic friendship beyond small, highly participatory polities.

<sup>51</sup> Alexis de Tocqueville, *Democracy in America*, trans. Harvey C. Mansfield and Delba Winthrop (Chicago: University of Chicago Press, 2000), 225–227.

bond, it would seem to describe a rather general, impersonal relationship mediated by a social entity (in other words, the relationship of parts as they see themselves related by the whole). Despite this difference, there a couple of important points of contact between the two.

In one sense, of course, insofar as friendship is characterized by common action for a shared purpose, actions and expressions of patriotism strengthen the general awareness and commitment to act as fellow citizens in a common cause. The ends of politics do not terminate in preservation of the state or its political culture, yet this must be a very large part of what politics is about. Thus, civic friendship is in significant part directed to patriotism's object, i.e., the community as such.

But what might we say of civic friendship in a more robust sense, not simply common cause in preservation of the political community and execution of political projects, but civic friendship as a mutually recognized commitment of goodwill among citizens? If it is true that a right understanding of justice ensconces a friendly stance among citizens in a community's constitutional structure, it follows that—at least formally speaking—a commitment to the good of one's community entails a commitment to the good of each of its members. Moreover, such a connection is not necessarily always that far from individual consciousness. Consider, for example, the common affirmation in the pledge of allegiance that commitment to the *indivisible republic* entails liberty and justice *for all*. Commitment to the whole is essentially linked to its inclusion of all persons and protection of their good according to fair and just principles. Thus, in an important sense, commitments of patriotism are commitments to the good of one's fellow citizens. Of course, they are at best indirect commitments—both insofar as patriotism is immediately directed to the good of a social entity, and practically speaking,

insofar as expressions and actions of patriotism are often simply left to be observed or are indiscriminately broadcast to the general public or in common assemblage.

At the same time, I think it is not difficult to see that a vibrant life of patriotism within a political community creates a social reservoir, so to speak, upon which citizens draw in their direct, personal interactions. The engagement of citizens does not occur like that of two strangers who meet by happenstance of a mutually advantageous end. It occurs within the context of a political culture that informs what the relationship is about. This is, of course, not simply comprised of the formalized constitutional and legal structures of the polity, but just as importantly by the shared understanding of and attitude toward these things embodied in customs, virtues, and history embodied in the broader political culture. The personal connection that a citizen has with these things may run very deep, particularly insofar as they inform his life on a regular basis or, perhaps, have deeply affected friends and family near to him (as when a family member has been lost in a war). These attachments to a political community can be brought to the fore, or in a sense, activated, by connection with a fellow citizen. Such interactions may be sporadic and may rotate among a group of citizens. Yet, the context of the political culture that grounds and informs them, as well as the personal attachments of patriotism that each citizen has to the community, creates the possibility of vibrantly experienced relations of friendship among citizens.

My point in drawing attention to this somewhat pedestrian connection between patriotism and civic friendship is twofold (and is not as pedestrian as the connection itself). In the first place, it is to bolster the possibility of civic friendship as a form of association which may be realized in important ways even in societies that do not emphasize or give primacy to life at the political level. Civic friendship in the sense I intend here does not entail the supremacy of political activity, in which—as for

Aristotle—all social forms are directed toward contribution to or participation in political life. (Of course, all forms of association have something important to contribute to the common good, but with Aquinas I would affirm that in ordered entities the function of constitutive parts is not *primarily* that of the whole.<sup>52</sup>) I take the view of civic friendship I am advocating here to be quasi-Aristotelian. It does importantly follow an Aristotelian line by tying the purpose of political community to human virtue and recognizing the way in which substantial political cultures and particular friendships may foster the human good in unique and irreplaceable ways. It is less Aristotelian in its emphasis on the way civic friendship draws upon a *repository of goodwill* instantiated in the political culture, rather than a *mode of life* in which political activity and virtues come to predominate. Finally, it is counter-Aristotelian in its affirmation of the intrinsic and independent goodness of life beyond the elevated domain of politics and philosophy. In this way it is more compatible with viewing political society as a community of communities—a proposition that I argued in the previous chapter is necessary if the political common good is to possess real normative primacy.

Secondly, this connection between patriotism and civic friendship is an important one because it draws attention to the significance of the community *as such* in fully realizing the goods of political association. I argued in the last chapter that if we take real community to be a basic human good, and if we recognize that it makes good sense to speak of the good or flourishing of communities as such, then perforce we must give the good of communities as such fundamental consideration in our practical deliberations about human flourishing. The argument here adds to that this further point: It is often precisely the community as such that not only serves as the common object of action among associating members, but that *also* embodies the ideals, virtues, and practices they

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<sup>52</sup> CNE, n. 6.

share. The significance of this point is that the goods of political association cannot be fully realized apart from a firm commitment to the polity as such. Contrary to this view, in a vein similar to that of Mark Murphy discussed in the previous chapter, John Finnis suggests that it is best to think of “community or association not as *a* community or *an* association (an ‘entity’ or ‘substance’ or ‘thing’ which ‘exists’, acts, etc.) but rather as community or association, an ongoing state of affairs, a sharing of life or an action or of interests, an associating or coming-together.”<sup>53</sup> The merit of this formulation is that it encourages us not to abstract associational goods from the concrete benefit and flourishing that they contribute to their members, viz., individual human persons. However, if my argument here is correct, both Finnis and Murphy are wrong to conceive of the political common good apart from its instantiation as *the* common good, the flourishing of this particular community. Thus, to use Murphy’s terminology, we must employ as part of an adequate description of the common good not only the aggregative (or additive) goods of all individuals and basic associations within the community, but also the *distinctive* good of the political community itself. The essential flaw of Murphy’s account, I would submit, is that he fails to include this distinctive good as part of the overall range of goods that comprises the political common good. Instead, he posits a dichotomy between the aggregative and distinctive views of the common good that fails, as we must, to take them both in hand.

As it specifically relates to the operation of civic friendship, this error overlooks the vital role that the community as such plays in contextualizing and facilitating friendships among citizens—as a reservoir of goodwill—embodying essential political virtues of justice, love, and generosity.

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<sup>53</sup> *Natural Law and Natural Rights*, 135.

Moreover, the political community as such embodies what I have been calling generally the political culture, that is, the full range of institutions, laws, legal and moral mentalities, traditions, history, and remembrances that guide and characterize a people in their common activity. This should draw our attention to the fact that the *specifically political common good* must be taken as a much broader category than Finnis in fact takes it. For this whole range of social being and practice is *specifically political* and the activity of individual citizens, families, and social groups guided by and oriented to these goods should also be seen as specifically political.

On this view of political community, it is not the political common good itself that is instrumental, rather it is government and law that are instituted as instrumental to the purposes of political community. Such is the view articulated by Jacques Maritain in *Man and the State*, in which he distinguishes between the body politic (i.e., political society) and government. Although government and law comprise the “topmost” or directive elements of political society, they do not exhaust the domain of the specifically political.<sup>54</sup> And insofar as this broader domain of political society is oriented to virtues central to human sociability—indeed constitutes a unique and basic embodiment of them—the political common good realizes a constitutive, albeit limited, aspect of human flourishing.

One final point should be noted about the possibility of the kind of civic friendship I have outlined here. I have argued that a real form of civic friendship is possible even in a very large community that does not give primacy to political life. Civic friendship is possible in an extended republic, to use Madison’s phrase. However, there are factors in addition to size that are essential to the question whether civic friendship is possible in modern democracies. We must also consider the political principles on which

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<sup>54</sup> *Man and the State*, 11-13.



a community is founded and its constitutional structure. So, for example, the deep influence modern liberal individualism on the American regime is much more problematic for civic friendship than is the sheer size of the country. A political culture that makes individual rights paramount will have difficulty sustaining a general commitment to the common good of all and the individual goods of fellow citizens. Civic friendship may be compatible with a mode of life diversified among many forms of association, but it does require of citizens a commitment to act proactively for the common good.

A political community's constitutional structure is important as well. An extended republic characterized by strong, representative, centralized power tends to marginalize the possibility and significance of civic participation. To the degree that this occurs, civic friendship is weakened. Here again, there is middle ground between politics as the dominant way of life and politics as a realm of power far removed from citizen knowledge and participation. To the degree that modern regimes operate on the basis of individualistic principles and strongly centralized constitutional structures, the idea of civic friendship advanced here stands in contrast.

## **Chapter VII: Conclusion**

In one way this conclusion is superfluous. The basic question guiding this investigation in political philosophy is whether political life and its constituent goods are intrinsic to human flourishing. The argument I have advanced throughout builds toward the answer I proposed in the last chapter, and I trust both my conclusion and reasons for drawing it are sufficiently evident. Nevertheless, the fundamental nature of the question I have address has dictated a wide-ranging investigation that it will be helpful to recapitulate in order to clearly show how all the pieces fit together to form a single, coherent argument. Given that I have delved into metaphysics, moral psychology, and ethics (and all of these from multiple angles) on the way to answering a question about politics, it bears looking back over the argument to grasp the broad sweep.

Alasdair MacIntyre is right, I think, in his argument that all moral inquiry takes place within a tradition. I have, at least, proceeded on the basis of this judgment, and my own tradition is that of Thomistic-Aristotelian natural law. Thus, the logical place to begin was with a critical “ground clearing,” addressing the deficiencies of an argument that has grown increasingly persuasive among natural law theorists, though not always consciously acknowledged.

### **CRITICAL ENGAGEMENT**

As I noted in the introduction, Finnis’s instrumentality thesis is not something entirely new, but it does represent an important extension of the theoretical claims natural law theorists have relied upon in articulating the limits of state power. As I read things, Finnis’s innovation is not to say that government and law are merely instrumental or that the purpose of political society must be basically oriented to protecting and promoting the goods of more basic associations. These things had been said before. Finnis’s innovation was to apply the instrumentality claim not only to the state (i.e., the institutions of

government and law), but also to political association in general. Although he acknowledges that political community is *necessary* to sufficiently ordered and stable human life, he insists on a “nothing added” claim: political association adds nothing of *independent intrinsic value* to human sociability. Save for a slight exception of repairing just relations between friends, it is simply the associational prerequisite to effective, stable, and sustained pursuit of basic individual and social goods. (It is worth noting that I do not take this further step to be simply an attempt to “liberalize” Aquinas or the natural law tradition. Rather, it is an argument that plausibly, if incorrectly, follows from an attempt to reconcile disparate claims of personal and political primacy in the Thomistic corpus.)

Despite my objection to this instrumentality thesis, there is much I agree with in Finnis’s account. In addition to largely affirming his account of “private goods,” as my argument progresses I substantively embrace his basic assertion that we must speak about the political good in two distinct ways: “the common good of political community” and “the political common good”. Although I do not retain his terminology, I argue in Chapter V that the common good must in one sense include *all* individual and basic associational goods of those within the community (what he calls “the common good of political community”) and in a second sense refer to those goods particular to political association (the “political common good”). So with this much I agree.

However, the main thrust of my criticism is that in this second sense of the common good—the political common good—he defines the range of what counts as political too narrowly and thus concludes it is instrumental. I argue that this first occurs by means of a basic elision in his argument between “all-round virtue” and “virtue simpliciter,” which, by misconstruing the law’s relationship to virtue, effectively begs the question of instrumentality. Yet it is ultimately most evident in a massive lacuna in

Finnis's discussion: there is little mention and no investigation of citizenship or civic friendship or, more broadly, political culture. Instead, in answering what it is exactly that political association adds to human life that we do not find in other relationships, Finnis's account quickly moves from a discussion of the benefits of law and government to the conclusion that the political common good adds nothing to human sociability of intrinsic desirability. Thus, his conclusion fundamentally rests on an assimilation of political society and its inherent goods to the operation of law and government. This conflation of importantly distinct social realities is obscured by his reference to the "common good of political society," but the problem is that there is nothing *specifically political* about Finnis' understanding of this category. Thus, his analysis of the political good collapses around one limited aspect of it.

In addition to providing the over-arching question that my dissertation seeks to address, several basic distinctions and concepts emerge from Finnis's treatment that recur in various significant ways throughout my argument. It is important to highlight these.

***The Duality of the Common Good:*** As I have already noted, I take Finnis' dual way of speaking about the common good to be essential to a correct, morally justifiable and sustainable account of political community. The purpose of political society cannot be separated from an *inclusivist* account of human goods and associations that honors their incommensurable diversity. Another way to say this is that the only fully justificatory purpose of political society is the *human good* and this good cannot be fully realized in political association itself. Thus, if the common good is to be authoritative it must substantively include these various subpolitical goods in an aggregative (or additive) sense. It follows from this that we must also speak of a *specifically* political common good that describes those goods inherent to political association.

***A Distinctive Common Good:*** From this line of argument an important concept soon emerges: the distinctive good of an association as such. I do not explicitly deal with this third concept until my engagement with Mark Murphy in Chapter V, but it is importantly implicated (by way of absence) in Finnis's instrumentality argument. Although Finnis does not directly reject such an understanding of the common good in the argument I critique in Chapter II, he does do so in his earlier work, *Natural Law and Natural Rights* (as I discuss in Chapter VI). His contention there that we should not understand the common good as the distinctive good of an association helps explain his inattentiveness to the breadth of the political common good in his instrumentality argument. In contrast, my own positive account of the political common good in Chapters V and VI substantively relies upon this concept.

***The Distinction between Government and Political Society:*** A final conceptual theme emerges from my central disagreement with Finnis, i.e., the distinction between law and government on the one hand, and the political society of which they are an essentially constitutive—but not exhaustive—part on the other. Failure to attend to this distinction and to give an adequately rich account of political society also underlies Gilbert Meilaender's rejection of civic friendship as an ultimately incoherent ideal. I think in an over-ambitious attempt to delineate a bright line cordoning state power, both Finnis and Meilaender offer truncated accounts of what, in fact, political association is.

It is not surprising that a thorough consideration of Finnis's account of the political common good not only "clears the deck," but also provides important resources and highlights key themes to an adequate account of political society. He presents a subtle, forcefully argued account that repays careful analysis. So with this initial critical piece in place, my argument turns toward the process of building a positive account.

## THE POSITIVE ACCOUNT

The earnestness of my methodological Aristotelian aspirations is perhaps on most extravagant display in my immediate launch into an investigation of Aristotle's political metaphysics. Indeed, it seems even most Thomist political theorists are apt to pass lightly over the metaphysical questions that both Aristotle and Aquinas take to be foundational. Their apparent reason for doing so is justified enough: whatever ambiguity there is in the metaphysical "thickness" of Aristotle's notion of a body politic, Aquinas clearly establishes his position by explaining that the unity of all human associations is one of *order*, not of simple substantial unity. Nevertheless, comments on the early portions of the *Politics* indicate that he takes seriously, clarifies, and affirms important elements of Aristotle's political metaphysics. He believes, in short, that there are important things to be said about the way in which the metaphysics of the human person inform our understanding of human associations. This does not lead to the simple transposition of the characteristics of a substantial organism to the state. Such would be a colossal conflation of categories that Aquinas neither makes nor attributes to Aristotle. Rather, I take Aquinas's point to be that we can reason analogously from the nature of the human person to the nature of associations which humans naturally form.

For Aquinas this primarily plays out in his advancement of the metaphysical category of "species." Species, unlike the category of simple "form" with which Aquinas juxtaposes it, conveys the idea of an essential unity between matter and form, i.e.hylomorphism. Unlike cases in which a thing is created via the *simple imposition* of form on matter, the category of species entails a tight *definitional dependence* of matter and form. Matter, insofar as it becomes part of the definition of a species, has important definitional priority over the whole. Saying what the whole is entails understanding the matter. Moving analogically to political application, Aquinas does not posit a simple or

comprehensive priority of political community over its basically constituent parts. Rather, priority will be dictated by the particular purposes which explain the existence and goodness of political community and *these purposes* will, in turn, be basically informed by the nature of the polity's basically constitutive parts. So saying what the political community *is* (and thus, ultimately, what justifies its authority) depends upon our understanding of these parts.

We should pause here to note that the main thrust of this argument derived from metaphysical categories reaches a very similar and corroborative conclusion as that required by the *inclusivist argument* in Chapter V based on an ethical ordering of goods. The metaphysical argument holds that as a matter of definition the distinct goods of basic associations such as the family inform what we take political society to be—and thus these subpolitical goods are substantially and constitutively included in the whole. In a similar vein, the inclusivist argument maintains that reasonably grounding political authority—giving a sufficient justification of the common good—also necessitates substantive inclusion of basic subpolitical goods.

Now, if I am right about Aquinas's views as an interpretive matter, we would expect for this unique priority of special parts to be reflected in his substantive presentation of the parts of the city. And in fact, we needn't look beyond the *Commentary on the Politics* for such support. As I demonstrate, Aquinas clearly, if tersely, constructs a dual categorization of associations preceding political community—those based on appetite and necessity and those based on reason and choice (for mutual benefit). The upshot is that the family, particularly the relationship between father and son embodying the educative function of the family, is included among those associations of intrinsic rationality. Its basically rational character is not bequeathed by or even realized in the

city. Rather the rational principle that defines political community itself is found in its incipient form in the inherent rationality of the paternal educative relationship.

This raises a pointedly substantive question: Is Aquinas right about this basically rational character of familial life? Not only does the plausibility of my formal account up to this point depend upon it, but it is also of independent substantive importance. Articulating the unique good of political life requires that we understand its relationship to this central basic human association. Thus, the next chapter turns to address the family squarely—specifically the parent-child relationship. The central claim of my argument here is this: The family does not just function as a locus of affective good, but a community in which (a) parents are naturally oriented to the good of the child in a fundamentally educative sense, and (b) the nature of parental belonging rightly orients the child to virtue by means of the basically liberal nature of parental love. These points are advanced in response to two worries. First, a longstanding concern (starting with Plato) about the *affective particularity* of the family that puts it at odds with the rational demands of political community. While not minimizing the affective particularity of parental relationships, my argument underlines its basic rationality first by marking a movement of parental love from an innate identification with the *self* to a rational attentiveness to the unique personality and capacities of the *other*, and second, by connecting the liberal character of parental love to a basic rational desideratum of virtue: coming to experience and understanding virtue as intrinsically desirable. These arguments are also responsive to what has been the primary modern worry with the family, viz., the vulnerability of children that follows from the great *inequality* of the parent-child relationship. Here my argument challenges the common assumption that the close identity that parents feel with children naturally preponderates toward an



assimilation of the child's personal and intellectual development to the parent's own self-interest. This simply misconstrues the *other self* relationship and its educative orientation.

Although I think these arguments solidly ground the family's status as, in an important sense, an independent locus of human rationality, a theme begins to develop here that also suggests its proper location within a larger community. At a metaethical level, the movement from the self to the other suggests an outward directedness of the human social capacity that supplies the deep structure of the virtues of justice, love, and generosity that I argue political community instantiates in a unique way. At a practical level, of course, the educative duty of parental love also requires an extension beyond the family to access the knowledge, society, culture, and myriad other components of flourishing in a broader community. To be clear, my claim that the family is an independent locus of rationality rests upon its intrinsic, deliberative orientation to the good of its members (particularly the weakest and most vulnerable). In this sense, the full rationality of the family is not realized in or actuated by the political community. On the other hand, this rational principle itself requires a wider extension for its completion in material, scientific, cultural, and moral domains. (Yet, it is clear, too, that the political community itself is in some senses incomplete in each of these orders, particularly the last three.)

Thus, the argument turns outward and begins to build a positive account of the political common good. Just as there are key themes that tie chapters III and IV together, I have conceived of chapters V and VI as a unit. The aim of the first is to articulate a clear formal account of political common good and then, in the second, to develop an account of what the substance of the *specifically political* common good is. This account focuses on one aspect of that good, civic friendship, and the basic virtues it cultivates.

My first concern in Chapter V is to delineate what it means for there to be a common good generally, and then to say what a political common good is. The central distinction that soon emerges is that between the *intensive* common goods realized in intimate associations ranging from personal friendships to families to book clubs, and the *extensive* common goods attained in the large scale of political association. This distinction becomes crucial to an adequate understanding of civic friendship, but here its force is to necessitate a bifurcated formal description of the common good. If human sociability is such that it yields a range of intimate, personal goods that cannot be reproduced or replaced in extended associations and if we can recognize these goods to be *essential* to a well-lived life, then any claim to primacy that the political common good has necessarily depends upon its aggregative *inclusion* of these goods within its overall justifying description. On the other hand, if human sociability basically includes goods that are irreducibly social and, in addition, the associations are such that an adequate account of them must include the good condition or flourishing of the group *as such*, then we must also incorporate into a persuasive account of the common good the distinctive good of the association *per se*. Or in other words, insofar as human goods are associational, at least some associational goods count as human. In this conclusion, I resist Mark Murphy's argument that an aggregative conception of the common good supplies as much as we need for an adequate account of human sociability. I argue that Murphy's conclusion on this point does not at all follow from his premises about human sociability, and in fact, is justified on an assumed premise of political instrumentality. Thus, for both Finnis and Murphy, the instrumentality thesis and the rejection of a distinctive common good are closely connected arguments, although each theorist comes at the connection from a different direction. Therefore, I take my arguments against both

theorists, respectively, to be mutually reinforcing and to contribute essential components of a compelling overall account of the political common good.

It is clear that my final treatment of the substantive political common good in civic friendship materially relies and builds upon the force of the argument that precedes it. This is most evident in my Thomistic demur from what I take to be an Aristotelian subsumption of subpolitical goods into the political by means of instrumentalizing these goods ultimately to political ends. The upshot is a mode of common life that, while giving attention to the functional significance of personal associations, substantively prioritizes political activity and purposes. Over against this, I propose a Thomistic account of the very substantive, but nevertheless limited, social goods embodied in political association. Not only is the virtue of justice centrally embodied in political community, but the virtues of love and generosity receive elaboration uniquely perfective of human social capacities. In a certain sense, the intensive goodness of political community is realized precisely in its extensive quality. For the necessary human attraction to goodness is not merely particular, but flourishes in the proliferation of it and orients its understanding according to a rational apprehension of universal truths. Inasmuch as political community orients individuals and associations to these essential human virtues it contributes uniquely and basically to human sociability and flourishing. Of course, these virtues are also essentially and uniquely cultivated at the subpolitical level. But insofar as political association raises their practice to a new level of extension—one necessary, not only to material sufficiency, but to the focal instantiation of justice—it substantively adds to human goodness.

Yet even as we recognize the real, basic good of such extension, there are compelling reasons not to take the universalist line too far. My argument for civic friendship makes this case by vesting universally oriented virtues with vital particularity.

That is to say, civic friendship and the political culture within which it is situated, facilitated, and informed provides a particular associational locus in which these social virtues are practiced, sustained, and refined. It is, to employ Alasdair MacIntyre's terminology, an essential locus of a complete moral tradition.

This pushes us to say more. Is it *an* essential locus or *the* essential locus? Or, to put it in the terms with which this investigation began, is man most accurately described as a *political* or a generically *social* animal? Obviously I am committed to saying that the human person has to be described as essentially social insofar as human fulfillment is basically tied to a variety of associations irreducibly distinct from political association. Politics, in this sense, becomes one among several forms of basic association, and we seem better served referring, as does Mary Keys, to a generically social human nature. Although Keys still seems to take political association to be a basic part of that sociability, she derogates its status by arguing that the political is intrinsically *particular* inasmuch as it is always subject to the contingencies and vicissitudes of actual communities. Her observation, while true in one sense (i.e., all real political communities are particular political communities), does not support the diminished status she attributes to the political. For, in fact, it is true of *all* associations that they are subject to particularities that prevent ideal instantiation of their *teloi* or inherent goods. We should not infer from the non-existence of perfect friendships that there is no essential set of goods characterizing a unique human relation we call "friendship." It is certainly the case that the exponential increase of parties, interests, passions, and contingencies makes the practice of politics a far messier thing than friendship, and perhaps leads to more grotesque divergences from the norm. This does not mean, however, that politics itself lacks a defining norm or justifying set of goods. The universal norms of justice, for example, are not generically social. They are *political* and call for instantiation in

political communities. So my insistence is that we must take human nature to be generically social only in the sense that it is fulfilled by diverse and incommensurable social goods. (And this would seem to entail that man is *not* a “political animal” in the sense that Aristotle intended.) However, it is essential to affirm a basically political human nature, which because of its inclusivity as the topmost, architectonic association, merits being applied to man as simply a “political animal.”

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